



*AMENDED AGENDA
FERNANDINA BEACH CITY COMMISSION
REGULAR MEETING
AUGUST 16, 2016
6:00 P.M.
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 Pastor Jeanette Richo of Greater Fernandina Church of God.

4. PROCLAMATIONS / PRESENTATIONS

4.1. PROCLAMATION – INTERNATIONAL HOMELESS ANIMALS’ DAY & HOMELESS ANIMALS’ MONTH

PROCLAMATION – INTERNATIONAL HOMELESS ANIMALS’ DAY & HOMELESS ANIMALS’ MONTH – *Recognizes August 20, 2016, as International Homeless Animals’ Day and the month of August as “Homeless Animals’ Month” to highlight the plight of millions of homeless animals all over the world. Ms. Beth Hackney, Cat’s Angels, Inc., will be present to accept the Proclamation.*

Documents:

[Proclamation International Homeless Animals Day and Homeless Animals Month.pdf](#)

4.2. PROCLAMATION – LAW ENFORCEMENT OFFICER APPRECIATION

PROCLAMATION – LAW ENFORCEMENT OFFICER APPRECIATION – *Recognizes the men and women who serve the City of Fernandina Beach Police Department and the Nassau County Sheriff’s Office. Involved members of the community will be present to accept the Proclamation. This item is placed on the agenda at the request of Honorable Commissioner Len A. Kreger.*

Documents:

[Proclamation Law Enforcement Officer Appreciation.pdf](#)

4.3. PRESENTATION – COMMUNITY REDEVELOPMENT AREA (CRA) UPDATE

PRESENTATION – COMMUNITY REDEVELOPMENT AREA (CRA) UPDATE – *CRA Advisory Board Chair Arlene Filkoff will provide a Monthly Progress Update.*

Documents:

[Presentation CRA Update.pdf](#)

4.4. PRESENTATION – FERNANDINA BEACH MAIN STREET PROGRAM

PRESENTATION – FERNANDINA BEACH MAIN STREET

PROGRAM - *Mr. Jeff Kurtz of Fernandina Beach Main Street will provide a synopsis of projects occurring within each of the four Main Street Councils (Promotions, Economic Restructuring, Organization, and Promotion).*

Documents:

[Presentation Fernandina Beach Main Street Program Quarterly report.pdf](#)

4.5. BUDGET SUMMARY

BUDGET SUMMARY - *Controller Patti Clifford will answer any questions regarding the budget summary for July 2016.*

Documents:

[Budget Summary July 2016.pdf](#)

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

6. CONSENT AGENDA

6.1. APPROVAL OF MINUTES

APPROVAL OF MINUTES – *Work Session Meeting – September 10, 2010; and Regular Meeting – July 19, 2016.*

Documents:

[Approval of Minutes.pdf](#)

6.2. VOLUNTARY ANNEXATION AGREEMENT – 1987 SOUTH 8TH STREET

VOLUNTARY ANNEXATION AGREEMENT – 1987 SOUTH 8TH STREET – RESOLUTION 2016-93 APPROVING THE EXTENSION OF WATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE PARCEL CONTAINING APPROXIMATELY 0.24 ACRES LOCATED AT 1987 SOUTH 8TH STREET; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Authorizes the extension of water services to the property owner identified, whose property is located outside the corporate limits of the City at 1987 South 8th Street and noted as parcel 00-00-30-0120-0004-0000, and approves the Voluntary Annexation Petition.*

Documents:

[Resolution 2016-93.pdf](#)

6.3. WORK ORDER 16-74 - PASSERO ASSOCIATES, LLC

WORK ORDER 16-74 - PASSERO ASSOCIATES, LLC –
RESOLUTION 2016-94 APPROVING PASSERO ASSOCIATES, LLC'S
WORK ORDER 16-74 FOR THE FLORIDA DEPARTMENT OF
TRANSPORTATION (FDOT) FUNDED DESIGN AND CONSTRUCT
NEW TERMINAL PROJECT AT THE FERNANDINA BEACH
MUNICIPAL AIRPORT; AUTHORIZING EXECUTION; AND
PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves Passero
Associates, LLC's Work Order 16-74, to prepare the FAA's required
Environmental Assessment for the FDOT Design and Construct New
Terminal project at the Fernandina Beach Municipal Airport.*

Documents:

[Resolution 2016-94.pdf](#)

6.4. WORK ORDER 16-75 - PASSERO ASSOCIATES, LLC

WORK ORDER 16-75 - PASSERO ASSOCIATES, LLC –
RESOLUTION 2016-95 APPROVING PASSERO ASSOCIATES, LLC'S
WORK ORDER 16-75 FOR THE FLORIDA DEPARTMENT OF
TRANSPORTATION (FDOT) FUNDED DESIGN AND CONSTRUCT
NEW TERMINAL PROJECT AT THE FERNANDINA BEACH
MUNICIPAL AIRPORT; AUTHORIZING EXECUTION; AND
PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves Passero
Associates, LLC's Work Order 16-75, to provide architectural and
engineering design, permitting, and bidding process administration for
the FDOT Design and Construct New Terminal project at the
Fernandina Beach Municipal Airport.*

Documents:

[Resolution 2016-95.pdf](#)

6.5. AGREEMENT CONTINUANCE - GABRIEL, ROEDER, SMITH & COMPANY

**AGREEMENT CONTINUANCE - GABRIEL, ROEDER, SMITH &
COMPANY –** RESOLUTION 2016-99 APPROVING CONTINUING
THE AGREEMENT WITH GABRIEL, ROEDER, SMITH & COMPANY
FOR ACTUARIAL CONSULTING SERVICES FOR EVALUATION OF
PENSION PLANS AS NEEDED AND PAYING OUTSTANDING
INVOICE; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis:
Continues the City's relationship with GRS for actuarial consulting
services on an as-needed basis and pay all outstanding invoices through
August, 2016.*

Documents:

[Resolution 2016-99.pdf](#)

6.6. SETTLEMENT AGREEMENT – KATHLEEN HEDGES

SETTLEMENT AGREEMENT – KATHLEEN HEDGES -
RESOLUTION 2016-100 APPROVING THE SETTLEMENT
AGREEMENT IN THE CASE OF KATHLEEN HEDGES V. CITY OF
FERNANDINA BEACH; AUTHORIZING EXECUTION; AND
PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves the*

Documents:

[Resolution 2016-100.pdf](#)

7. RESOLUTIONS

7.1. BUDGET AMENDMENT & AWARD OF BID #16-11 – ARCTIC AIR OF NORTHERN FLORIDA, LLC

BUDGET AMENDMENT & AWARD OF BID #16-11 – ARCTIC AIR OF NORTHERN FLORIDA, LLC – RESOLUTION 2016-96 AWARDING BID #16-11 FOR THE PECK GYMNASIUM DUCTWORK; APPROVING AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2015/2016; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves the award of Bid #16-11 to Arctic Air of Northern Florida, LLC in the amount of \$98,000 and approves budget transfers within the Capital Improvement Fund totaling \$74,500.*

Documents:

[Resolution 2016-96.pdf](#)

7.2. AGREEMENT APPROVAL – THE ARCO GROUP, INC.

AGREEMENT APPROVAL – THE ARCO GROUP, INC. – RESOLUTION 2016-97 APPROVING THE AGREEMENT WITH THE ARCO GROUP, INC. TO PROVIDE OFF-SITE SERVER RACK SPACE AND INTERNET ACCESS FOR CITY USE AT THE COLOCSX DATA CENTER IN JACKSONVILLE, FLORIDA; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves the agreement with The ARCO Group, Inc. for \$1,446.50 per month (allowing annual increases as outlined in the agreement) to provide managed rack space and internet access as outlined in the agreement.*

Documents:

[Resolution 2016-97.pdf](#)

7.3. BUDGET AMENDMENTS – VARIOUS DEPARTMENTS

BUDGET AMENDMENTS – VARIOUS DEPARTMENTS – RESOLUTION 2016-98 APPROVING AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 2015-2016; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves various budget transfers between specified accounts to ensure that expenditures do not exceed the budget on a line by line basis for Fiscal Year 2015/2016.*

Documents:

[Resolution 2016-98.pdf](#)

8. ORDINANCES – FIRST READING

8.1. UTILITIES FEE SCHEDULE - ORDINANCE 2016-17

UTILITIES FEE SCHEDULE - ORDINANCE 2016-17 – REQUESTING A 3% INCREASE TO WATER AND SEWER RATES FOR THE OPERATION OF THE CITY’S WATER AND SEWER SYSTEM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves a 3% increase to water and wastewater rates from the 2015 rates.*

Documents:

[Ordinance 2016-17.pdf](#)

8.2. MASTER FEE SCHEDULE

MASTER FEE SCHEDULE – ORDINANCE 2016-23 ESTABLISHING AND AMENDING FEES FOR THE CITY CLERK’S OFFICE, GOLF COURSE, MARINA, AIRPORT, COMMUNITY DEVELOPMENT, PARKS AND RECREATION, CEMETERY, FIRE DEPARTMENT, SANITATION, POLICE DEPARTMENT, AND IMPACT FEES, EXCLUDING WATER AND SEWER IMPACT FEES FOR FY 2016/2017; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Approves the amended Master Fee Schedule consisting of the City Clerk’s Office, Fernandina Beach Golf Club, Marina, Airport, Community Development, Cemetery, Fire Department, Sanitation, Police, and Impact Fees, excluding Water and Sewer Impact Fees for Fiscal Year 2016/2017.*

Documents:

[Ordinance 2016-23.pdf](#)

8.3. VOLUNTARY ANNEXATION - 3017 AND 3021 AMELIA ROAD

VOLUNTARY ANNEXATION - 3017 AND 3021 AMELIA ROAD – ORDINANCE 2016-24 ANNEXING 7.91 ACRES OF LAND LOCATED AT 3017 AND 3021 AMELIA ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Annexes property totaling 7.91 acres of land located at 3017 and 3021 Amelia Road.*

Documents:

[Ordinance 2016-24.pdf](#)

8.4. FUTURE LAND USE MAP AMENDMENT - 3017 AND 3021 AMELIA ROAD

FUTURE LAND USE MAP AMENDMENT - 3017 AND 3021 AMELIA ROAD – ORDINANCE 2016-25 CHANGING THE CITY’S FUTURE LAND USE MAP TO MEDIUM DENSITY RESIDENTIAL (MDR) FOR PROPERTY LOCATED AT 3017 AND 3021 AMELIA ROAD, TOTALING APPROXIMATELY 7.91 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Assigns a Future Land Use Map designation of Medium Density Residential (MDR) to 7.91 acres of land located at 3017 and 3021 Amelia Road.*

Documents:

[Ordinance 2016-25.pdf](#)

8.5. ZONING MAP AMENDMENT - 3017 AND 3021 AMELIA ROAD

ZONING MAP AMENDMENT - 3017 AND 3021 AMELIA ROAD – ORDINANCE 2016-26 CHANGING THE CITY’S ZONING MAP TO RESIDENTIAL LOW MEDIUM (RLM) FOR PROPERTY LOCATED AT 3017 AND 3021 AMELIA ROAD, TOTALING APPROXIMATELY 7.91 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Assigns a Zoning Category of Residential Low Medium (RLM) to 7.91 acres of land located at 3017 and 3021 Amelia Road.*

Documents:

[Ordinance 2016-26.pdf](#)

**8.6. FUTURE LAND USE MAP AMENDMENT - JOHN ROBAS STREET
FUTURE LAND USE MAP AMENDMENT - JOHN ROBAS
STREET**

AND FIRST AVENUE – ORDINANCE 2016-27 CHANGING THE CITY’S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC) TO HIGH DENSITY RESIDENTIAL (HDR) FOR PROPERTY LOCATED AT THE CORNER OF FIRST AVENUE AND JOHN ROBAS STREET, TOTALING APPROXIMATELY 0.38 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Assigns a Future Land Use Map designation of High Density Residential (HDR) for property located at the corner of First Avenue and John Robas Street totaling approximately 0.38 acres of land.*

Documents:

[Ordinance 2016-27.pdf](#)

8.7. ZONING MAP AMENDMENT - JOHN ROBAS STREET AND FIRST AVENUE

**ZONING MAP AMENDMENT - JOHN ROBAS STREET AND FIRST
AVENUE –** ORDINANCE 2016-28 CHANGING THE CITY’S ZONING MAP FROM COMMUNITY COMMERCIAL (C-1) TO HIGH DENSITY RESIDENTIAL (R-3) FOR PROPERTY LOCATED AT THE CORNER OF FIRST AVENUE AND JOHN ROBAS STREET, TOTALING APPROXIMATELY 0.38 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Assigns a Zoning Category of High Density Residential (R-3) for property located at the corner of First Avenue and John Robas Street totaling approximately 0.38 acres of land.*

Documents:

[Ordinance 2016-28.pdf](#)

8.8. FUTURE LAND USE MAP AMENDMENT - 1940 S. FLETCHER AVENUE

FUTURE LAND USE MAP AMENDMENT - 1940 S. FLETCHER AVENUE –ORDINANCE 2016-29 CHANGING THE CITY’S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC) TO HIGH DENSITY RESIDENTIAL (HDR) FOR PROPERTY LOCATED AT 1940 S. FLETCHER AVENUE, TOTALING APPROXIMATELY 0.41 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Assigns a Future Land Use Map designation of High Density Residential (HDR) for property located at 1940 S. Fletcher Avenue, totaling approximately 0.41 acres of land.*

Documents:

[Ordinance 2016-29.pdf](#)

- 8.9. ZONING MAP AMENDMENT - 1940 S. FLETCHER AVENUE**
ZONING MAP AMENDMENT - 1940 S. FLETCHER AVENUE – ORDINANCE 2016-30 CHANGING THE CITY’S ZONING MAP FROM COMMUNITY COMMERCIAL (C-1) TO HIGH DENSITY RESIDENTIAL (R-3) FOR PROPERTY LOCATED AT 1940 S. FLETCHER AVENUE, TOTALING APPROXIMATELY 0.41 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Assigns a Zoning Category of High Density Residential (R-3) for property located at 1940 S. Fletcher Avenue, totaling approximately 0.41 acres of land.*

Documents:

[Ordinance 2016-30.pdf](#)

- 8.10. *AMENDING ORDINANCE 2006-14 / LAND DEVELOPMENT CODE AMENDMENT – PLANNING ADVISORY BOARD**
AMENDING ORDINANCE 2006-14 / LAND DEVELOPMENT CODE AMENDMENT – PLANNING ADVISORY BOARD - ORDINANCE 2016-31 AMENDING ORDINANCE 2006-14 BY AMENDING THE LAND DEVELOPMENT CODE; AMENDING SECTION 9.02.00, PLANNING ADVISORY BOARD; AMENDING SECTION 9.02.01, ESTABLISHMENT; AMENDING SECTION 9.02.03, ROLES AND RESPONSIBILITIES; AMENDING ALL OTHER RELEVANT SECTIONS OF THE LAND DEVELOPMENT CODE BY REPLACING THE TERM “PLANNING ADVISORY BOARD” WITH “LOCAL PLANNING AGENCY” FOR THE PURPOSE OF DESIGNATING THE CITY COMMISSION AS THE LOCAL PLANNING AGENCY PURSUANT TO FLORIDA LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends Ordinance 2006-14 and various sections of the Land Development Code pertaining to the Planning Advisory Board.*

Documents:

[Ordinance 2016-31.PDF](#)

9. ORDINANCE – SECOND READING

- 9.1. COMPREHENSIVE PLAN & LAND DEVELOPMENT CODE AMENDMENTS – NET DENSITY**
COMPREHENSIVE PLAN & LAND DEVELOPMENT CODE AMENDMENTS – NET DENSITY – ORDINANCE 2016-12 AMENDING THE COMPREHENSIVE PLAN DEFINITION OF NET DENSITY AND THE LAND DEVELOPMENT CODE, CHAPTER 1

SECTION 1.07.00 REGARDING THE DEFINITION FOR NET DENSITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Synopsis: Amends the Comprehensive Plan and Land Development Code specific to net density.*

Documents:

[Ordinance 2016-12.pdf](#)

10. BOARD APPOINTMENT

**10.1. BOARD APPOINTMENT AIRPORT ADVISORY COMMISSION
AIRPORT ADVISORY COMMISSION – 1 appointment.**

Documents:

[Board Appointment Airport Advisory Commission.pdf](#)

11. DISCUSSION – DIRECTION – ACTION ITEM

**11.1. PROPERTY ASSESSED CLEAN ENERGY (PACE)
PROPERTY ASSESSED CLEAN ENERGY (PACE)**

Documents:

[Discussion PACE.pdf](#)

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.
 - IN ACCORDANCE WITH STATE LAW, ITEMS NOT ON THE AGENDA MAY BE BROUGHT UP FOR DISCUSSION BUT NO ACTION MAY BE TAKEN BY THE CITY COMMISSION. IF APPROPRIATE THE ITEM MAY BE SCHEDULED ON A FUTURE AGENDA.
 - 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.
- FERNANDINA BEACH CITIZENS WILL SPEAK BEFORE NONRESIDENTS AND SPEAKERS WILL LIMIT REMARKS TO THE SPECIFIC SUBJECT MATTER.
- DISCUSSION – DIRECTION - ACTION ITEMS MAY BE ACTED UPON BY THE CITY COMMISSION BY EITHER 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.

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: **Proclamation**
International Homeless Animals' Day & Homeless Animals' Month

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: Presentation

SYNOPSIS: Attached is a Proclamation recognizing August 20, 2016, as International Homeless Animals' Day and the month of August as "Homeless Animals' Month" to highlight the plight of millions of homeless animals all over the world. Ms. Beth Hackney, Cat's Angels, Inc., will be present to accept the Proclamation.

FISCAL IMPACT: N/A

2016/2017 CITY COMMISSION GOALS:
(As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

DEPARTMENT DIRECTOR	Submitted by: Caroline Best, <i>C Best.</i> City Clerk	Date: 7/18/16
CONTROLLER	Approved as to Budget Compliance	Date:
CITY ATTORNEY	Approved as to Form and Legality	Date:
CITY MANAGER	Approved Agenda Item for 8/16/2016 <i>DLM</i>	Date: 7/18/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

Proclamation

WHEREAS, since 1992 the International Society for Animal Rights has been hosting International Homeless Animals' Day on the third Saturday of August every year. What began as a candlelight vigil 24 years ago to observe the suffering of homeless companion animals and to raise pet overpopulation awareness has grown to be one of the nation's largest coordinated animal adoption day efforts; and

WHEREAS, each day, thousands of forsaken animals across the globe are discarded and left to perish; their only hope for salvation comes from charitable organizations and the generosity of caring, everyday benefactors like you and me; and

WHEREAS, the overpopulation of our nation's most popular animals, dogs and cats results in the killing of millions of dogs, cats, kittens and puppies each year. This overpopulation crisis can be resolved in a variety of ways; adopting a dog or cat from your local animal shelter, having dogs and cats spayed and neutered, volunteering at the animal shelter, donating much needed supplies, or by sponsoring a spay or neuter surgery; and

WHEREAS, addressing pet overpopulation takes time, action and commitment. Together we can make a difference.

NOW, THEREFORE, I, John A. Miller, by virtue of the authority vested in me as Mayor of the City of Fernandina Beach, Florida, do hereby proclaim August 20, 2016 as

“INTERNATIONAL HOMELESS ANIMALS' DAY”

AND FURTHER, proclaim the month of August as

“HOMELESS ANIMALS' MONTH”

IN WITNESS WHEREOF, I hereunto set my hand and caused the Official Seal of the City of Fernandina Beach, Florida, to be affixed this 16th day of August, 2016.

CITY OF FERNANDINA BEACH

John A. Miller
Mayor-Commissioner

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Proclamation**
Law Enforcement Officer Appreciation

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: Presentation

SYNOPSIS: Attached is a Proclamation in recognition and appreciation of the men and women who serve the City of Fernandina Beach Police Department and the Nassau County Sheriff's Office. Involved members of the community will be present to accept the Proclamation. This item is placed on the agenda at the request of Honorable Commissioner Len A. Kreger.

FISCAL IMPACT: N/A

2016/2017 CITY COMMISSION GOALS:
(As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

DEPARTMENT DIRECTOR	Submitted by: Caroline Best, <i>C Best.</i> City Clerk	Date: 7/29/16
CONTROLLER	Approved as to Budget Compliance	Date:
CITY ATTORNEY	Approved as to Form and Legality	Date:
CITY MANAGER	Approved Agenda Item for 8/16/2016 <i>DLM</i>	Date: 7/29/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

Proclamation

WHEREAS, for generations, the brave men and women of the City of Fernandina Beach Police Department and the Nassau County Sheriff's Office have answered the call to serve and protect our communities. Our Law Enforcement Officers embody the courage and honor that represent the best of Fernandina Beach and Nassau County; and

WHEREAS, in moments of danger and desperation, the first people we turn to are Law Enforcement officers. These often unsung heroes risk their lives so that we can live in peace and security; and

WHEREAS, enduring long shifts in dangerous and unpredictable circumstances, our Law Enforcement Officers demonstrate remarkable self-control and operate under extreme pressure with uncommon professionalism. They deal with complex, challenging situations and see the worst elements of humanity in the underbelly of society, situations to which most citizens have the privilege of turning a blind eye; and

WHEREAS, we owe dutiful respect and humble gratitude to the City of Fernandina Beach Police Officers and the Nassau County Sheriff's Deputies who work tirelessly to protect us and sacrifice so much to maintain and defend civil order in our community.

NOW, THEREFORE, I, John A. Miller, by virtue of the authority vested in me as Mayor of the City of Fernandina Beach, Florida, do hereby express sincere thanks to:

LAW ENFORCEMENT OFFICERS

Who wear the badge and are selfless public servants putting themselves in harm's way to keep us safe and ask that all citizens join me in giving these dedicated professionals the support and appreciation they deserve.

IN WITNESS WHEREOF, I hereunto set my hand and caused the Official Seal of the City of Fernandina Beach, Florida, to be affixed this 16th day of August, 2016.

CITY OF FERNANDINA BEACH

John A. Miller
Mayor-Commissioner

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Presentation**
CRA Update

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **None**

SYNOPSIS: CRA Advisory Board Chair Arlene Filko ff will provide a Monthly Progress Update.

FISCAL IMPACT: N/A

2016/2017 CITY COMMISSION GOALS:
(As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

DEPARTMENT DIRECTOR	Submitted by: Marshall McCrary, CDD Director	Date: 7/29/16
CONTROLLER	Approved as to Budget Compliance	Date:
CITY ATTORNEY	Approved as to Form and Legality	Date:
CITY MANAGER	Approved Agenda Item for 8/16/16 <i>DLM</i>	Date: 7/29/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Presentation**
Fernandina Beach Main Street Program - Quarterly Update

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: N/A

SYNOPSIS: Mr. Jeff Kurtz of Fernandina Beach Main Street will provide a synopsis of projects occurring within each of the four Main Street Councils (Promotions, Economic Restructuring, Organization, and Promotion).

FISCAL IMPACT: N/A

2016/2017 CITY COMMISSION GOALS: Beach Safety Alachua Street
(As approved by Resolution 2016-51) Soccer Field Lighting Stormwater
 Downtown Density Opportunity
 ADA Improvements Departmental
 Consideration

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

DEPARTMENT DIRECTOR Submitted by: Dale L. Martin, City Manager Date: 7/29/16
CONTROLLER Approved as to Budget Compliance Date:
CITY ATTORNEY Approved as to Form and Legality Date:
CITY MANAGER Approved Agenda Item for 08/16/2016 *DLM* Date: 7/29/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Budget Summary – July 2016**

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: None

SYNOPSIS: Budget Summary Report for July 2016, and Accounts Receivable Summary.

FISCAL IMPACT: N/A

2016/2017 CITY COMMISSION GOALS:
(As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: No Comments

CITY MANAGER RECOMMENDATION(S): N/A

DEPARTMENT DIRECTOR	Submitted by: Patti Clifford, Controller	Date: 8/9/16
CONTROLLER	Approved as to Budget Compliance	Date: 8/9/16
CITY ATTORNEY	Approved as to Form and Legality	Date:
CITY MANAGER	Approved Agenda Item for 08/16/16	Date: 8/9/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

Monthly Budget Report

July 2016

Overall: Ten months, 83.3% into fiscal year 2015/2016. Electric Franchise Fee revenue has been accrued for July. Some expenses may be light due to a processing lag - we generally do not accrue items during the year with Sanitation costs and Marina Fuel being the exceptions. We will prepare budget amendments through the year to ensure budgeted amounts are not exceeded on a line by line basis.

General Fund: (001)

Total General Fund Revenues at 93.5% of the annual budgeted amount is high due to the timing of property tax receipts, more than \$10.3 million received to date. \$102,070 has been accrued year to date for Franchise Fees. Specific lines we are tracking are detailed below.

	15/16 Budget	Jul 16 YTD \$	Jul 16 YTD %	Jul 15 YTD \$	Jul 15 YTD %
Local Option Gas Tax	222,462	184,313	82.9%	177,985	83.8%
Small County Surtax (one cent sales tax)	1,445,224	1,192,327	82.5%	1,125,736	81.9%
Half Cent Sales Tax	726,445	623,293	85.8%	585,802	83.5%
Franchise Fees	1,325,000	1,099,501	83.0%	1,037,110	75.7%
Total FY 15/16 Bud	3,719,131				
Total FY 14/15 Actual	3,692,753				
Total FY 14/15 Bud	3,659,183				

No General Fund departments are above the 83.3%.

Special Revenue Funds: (100-190)

Revenues plus Cash Balance Forward exceed Expenditures for all Special Revenue Funds. The negative grant revenue and loss to date are adjustments to finalize and close out the CDBG Grant. Because the 2015 Taxable Value for the CRA remains lower than the base year, it did not attract any incremental taxes from the City or the County this fiscal year. The CRA posted Parking Revenue of \$1,000 in May.

Debt Service Funds: (220 –240)

All debt service has been recorded in the GO Bond Debt Service Fund, Fund 220, the negative year to date amount will reduce as future transfers are posted to this fund from the General Fund. Semiannual interest payments were recorded in March and July in the Utility Debt Service Fund, Fund 230. Additionally, the Principal payment of more than \$1,000,000 was recorded in the Utility Debt Service Fund, Fund 230 in July. All debt service has been recorded in the Marina Debt Service Fund, Fund 240.

Capital Improvement Funds: (300-330)

Loan Proceeds for the capital lease for the fire truck and the new fire truck asset for \$440,363 were recorded in April. County beach grant revenue related to prior years was recorded in March in the Capital Improvement Fund. Revenues plus Cash Balance Forward exceed Expenditures for all Capital Improvement Funds.

Golf Course: (410)

Revenues exceeded expenditures in the month and year to date due primarily to transfers from the General Fund. Memberships were down \$16,460 or 13.5% July year to date this year compared to last July. Margins on Pro Shop Sales are lower than budget at 61.2% of costs compared to the budgeted 67%. The margin on F&B Sales is slightly more than the budget.

Airport: (420)

Revenues exceeded Expenditures for the month and year to date.

Sanitation: (440)

Revenues plus Cash Balance Forward exceeded Expenditures for the year to date.

Wastewater: (450)

Revenues exceeded Expenditures for the month and year to date. Revenue from Wastewater Fees was \$186,236 or 4.3% higher than last July year to date. Revenue is tracking higher than budget.

Water: (460)

Revenues exceeded Expenditures for the month and year to date. Revenue from Water Fees was \$120,081 or 3.9% higher than last July year to date. Revenue is tracking slightly higher than budget.

Storm Water Management: (470)

Revenues exceeded Expenditures for the year to date. Revenue is tracking higher than budget.

Marina: (480)

Due to the Vuturo lot purchase in March, Expenditures exceeded Revenue for the year to date. Slip rental revenue was \$58,007 or 9.9% higher than last July year to date. The margin on Fuel Sales is higher than the budgeted ratio.

Central Garage: (510)

Revenue exceeded Expenditures for the year to date due in part to the transfer from the General Fund. The Cost of Goods Sold is light. This Fund is meant to be self-supporting.

Utility Billing and Utility Administration: (520 – 530)

Revenues exceeded Expenditures for the year to date in Utility Billing. As was anticipated in the budget, Revenues plus Cash Balance Forward exceed Expenditures in Utility Admin.

City of Fernandina Beach
 Accounts Receivable Analysis
 8/9/2016

Utility Billing - Current Accounts				Avg Mo'y Billing		
Number of Customers		Delinquency Days	\$			
8,300	Active Customers				\$ 980,500.00	
200		30	15,626.65			
54		60	3,633.31			
7		90	266.24	*		
-		120	-	*		
-		150	-	*		
200		Total	\$ 19,526.20		* Payment plan in place	
Utility Billings - Closed accounts (not yet turned over to Collection Agency)						
84	Closed accts.	33 accts. w/delinquent balances	\$	4,416.96		
Utility Billings in Collections						
Year based on final billing date	# of Accounts Transferred	Amt of \$ Transferred	Amt of \$ Recovered by CCI	Amt of \$ Recovered by UB	Total \$ Recovered	% recovered
2012	176	29,067.50	2,077.65	7,957.49		34.52%
2013 (thru Dec)	163	28,466.08	936.65	5,708.45		23.34%
2014 (thru Dec)	140	20,272.45	461.39	3,504.03		19.56%
2015 (thru Dec)	126	23,388.52	423.13	3,047.36		0.00%
2016 (thru April)	58	7,868.49	417.79	463.53		
		\$ 109,063.04	\$ 4,316.61	\$ 20,680.86	\$ 24,997.47	22.92%
Recovered to date		\$ (24,997.47)				
Balance currently at CCI		\$	84,065.57			

Airport				Avg Mo'y Billing	
Number of Customers		Delinquency Days	\$		
87	ALL Customers				\$42,512.60
9		30	10,011.51		
1		60	6,722.30		
1		90	6,622.95		
1		120	6,619.95		
1		150+	4,770.25		
9		Sub Total	\$ 34,746.96		

Marina				Avg Mo'y Billing	
Number of Customers		Delinquency Days	\$		
46	ALL Customers				\$20,703
3		30	1,110.67		
2		60	397.67		
0		90	-		
0		120	-		
0		150+	-		
			1,508.34		
Brandon Hooper	785.53	Coming in today		30+60	
David Johnson	397.91	Making payments		30	
Jack Daniels	324.90	Making payments		30+60	
	1,508.34				

Peck Center & Other City Leases				Avg Mo'y Billing	
Number of Customers		Delinquency Days	\$		
9	ALL Customers				12,521.54
1		30	377.99		
0		60	-		
0		90	-		
0		120+	-		
1		Sub Total	\$ 377.99		

83.37%

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 001

GENERAL FUND

Revenues

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Property Taxes	10,332,000.00	1,197.27	10,349,869.48	-17,869.48	100.17
Total Local Option Taxes	1,667,686.00	143,092.47	1,376,640.67	291,045.33	82.55
	0.00	0.00	0.00	0.00	0.00
TOTAL LOCAL BUSINESS TAX FEES	171,000.00	18,545.20	179,605.05	-8,605.05	105.03
Total Building Permits	563,200.00	76,993.05	562,316.55	883.45	99.84
TOTAL ELECTRIC FRANCHISE FEES	1,325,000.00	137,762.78	1,099,501.01	225,498.99	82.98
TOTAL GAS FRANCHISE FEES	15,000.00	0.00	10,295.02	4,704.98	68.63
Other CDD Permits/Fees	234,700.00	35,290.18	281,529.94	-46,829.94	119.95
Total Federal Grants	40,000.00	0.00	0.00	40,000.00	0.00
Total State Grants	0.00	0.00	0.00	0.00	0.00
Total State Shared Revenues	965,382.00	87,721.87	829,895.98	135,486.02	85.97
Total Grants from Other Local Units	154,046.00	0.00	95,843.19	58,202.81	62.22
Total Payments in Lieu of Taxes	50,000.00	0.00	0.00	50,000.00	0.00
Total Public Safety Fees/Services	558,000.00	76,118.93	410,227.11	147,772.89	73.52
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
Total Recreation Revenues	699,000.00	101,148.54	669,762.44	29,237.56	95.82
Total Fines/Judgments	11,500.00	1,273.63	11,226.35	273.65	97.62
Total Code Violation Fines	0.00	0.00	0.00	0.00	0.00
Total Other Fines/Forfeits	13,200.00	1,574.00	10,249.50	2,950.50	77.65
Total Interest/Other Earnings	162,735.00	19,188.75	149,165.03	13,569.97	91.66
Total Sale of Assets/Insurance Proceeds	0.00	0.00	0.00	0.00	0.00
Other Miscellaneous Revenues	72,300.00	2,397.58	116,961.40	-44,661.40	161.77
Total Transfers Other Than Enterprise	1,740,000.00	145,000.00	1,450,000.00	290,000.00	83.33
Total Transfers Other Than Enterprise	0.00	0.00	0.00	0.00	0.00
Total Enterprise Transfers	-480,000.00	39,999.99	399,999.90	80,000.10	83.33
Total Budgeted Surplus	5,255,836.00	0.00	0.00	5,255,836.00	0.00
Total Revenues	24,510,585.00	887,304.24	18,003,088.62	6,507,496.38	73.45

19,254,749

73.5%

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Operating Expenditures							
CITY COMMISSION	280,600.00	24,558.20	213,507.13	0.00	66,992.87	66,992.87	76.12
CITY CLERK	448,713.00	26,629.08	324,908.90	4,500.00	119,304.10	123,804.10	73.11
CITY MANAGER	518,475.00	19,694.24	333,484.93	5,000.00	179,990.07	184,990.07	85.28
FINANCE	611,862.00	46,388.62	490,131.03	1,809.37	119,921.30	121,730.97	80.10
INFORMATION TECHNOLOGY	638,575.00	34,041.36	378,182.05	21,167.50	230,226.45	280,395.95	61.41
HUMAN RESOURCES	442,323.00	18,645.79	321,529.47	0.00	120,793.53	121,283.53	74.69
LEGAL	299,430.00	22,059.40	216,922.43	1,628.03	80,891.44	82,519.87	73.99
CITY HALL MAINTENANCE ACCOUNT	257,759.00	17,018.57	210,345.54	0.00	47,413.46	47,413.46	81.61
	0.00	0.00	0.00	0.00	0.00	0.00	0.00
FACILITIES MAINTENANCE	490,920.00	33,005.19	374,061.05	0.00	116,858.95	116,858.95	78.60
POLICE	4,591,886.00	347,498.46	3,477,512.82	0.00	1,114,373.18	1,114,373.18	75.75

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 001

GENERAL FUND

FIRE	4,333,321.00	359,345.31	3,202,797.77	117,011.62	1,013,511.61	1,130,523.23	76.61
BUILDING	665,505.00	65,492.20	489,609.76	11,566.50	164,328.74	175,895.24	75.31
PLANNING	433,236.00	38,558.31	263,844.02	0.00	169,391.98	169,391.98	60.90
CODE ENFORCEMENT	153,575.00	10,775.47	118,423.74	0.00	35,151.26	35,151.26	77.11
STREET DIVISION	1,776,277.00	124,390.03	1,267,876.57	0.00	508,400.43	508,400.43	71.38
DOWNTOWN DISTRICT	49,291.00	2,245.15	32,989.80	0.00	16,301.20	16,301.20	66.93
LIBRARY	21,091.00	562.91	10,799.43	0.00	10,291.57	10,291.57	51.20
RECREATION CENTER	944,473.00	65,347.79	712,510.80	0.00	231,962.20	231,962.20	75.44
PARKS	175,314.00	8,994.16	119,755.89	5,975.00	49,583.11	55,558.11	71.72
PECK	404,706.00	24,431.95	274,729.64	9,892.45	120,083.91	129,976.36	70.33
MLK CENTER	0.00	0.00	0.00	0.00	0.00	0.00	0.00
YOUTH PROGRAMS	233,951.00	30,145.14	180,532.17	0.00	53,418.83	53,418.83	77.17
AQUATICS	305,222.00	36,794.37	231,867.74	0.00	73,354.26	73,354.26	75.97
	0.00	0.00	0.00	0.00	0.00	0.00	0.00
OTHER SERVICES	49,250.00	500.00	19,146.58	0.00	30,103.42	30,103.42	38.88
Operating Expenditures Subtotal	18,125,667.00	1,357,201.70	13,265,469.31	178,547.82	4,681,649.87	4,860,197.69	74.17
TRANSFERS	2,098,065.00	174,501.27	1,749,062.79	0.00	349,002.21	349,002.21	83.37
Transfers & Operating Subtotals	20,223,732.00	1,531,702.97	15,014,532.10	178,547.82	5,030,652.08	5,209,199.90	75.13
Total Contingency	0.00	0.00	0.00	0.00	0.00	0.00	0.00

RESERVES	4,286,853.00	0.00	0.00	0.00	4,286,853.00	4,286,853.00	0.00
Total Expenditures	24,510,585.00	1,531,702.97	15,014,532.10	178,547.82	9,317,505.08	9,496,052.90	61.89
Revenues vs. Expenditures	0.00	-644,398.73	2,985,556.52	2,810,003.70			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 100

LAW ENFORCEMENT TRUST FUND**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total LETF Revenues	2,000.00	0.00	720.00	1,280.00	36.00
Total Budgeted Surplus	23,400.00	0.00	0.00	23,400.00	0.00
Total Revenues	25,400.00	0.00	720.00	24,680.00	2.83

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Operating Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Operating Expenses	1,000.00	0.00	0.00	0.00	1,000.00	1,000.00	0.00
Total LETF Capital Expenses	22,000.00	0.00	19,782.51	0.00	2,217.49	2,217.49	89.92
Total LETF Reserves	2,400.00	0.00	0.00	0.00	2,400.00	2,400.00	0.00
Total Expenditures	25,400.00	0.00	19,782.51	0.00	5,617.49	5,617.49	77.88
Revenues vs. Expenditures	0.00	0.00	-19,062.51	-19,062.51			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 110

FEDERAL FORFEITURE**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Revenue	80,000.00	7,577.93	58,938.62	21,061.38	73.67
Total Interest Earned	0.00	0.00	0.00	0.00	0.00
Total Other Revenue	0.00	0.00	0.00	0.00	0.00
Total Budgeted Surplus	80,260.00	0.00	0.00	80,260.00	0.00
Total Revenues	160,260.00	7,577.93	58,938.62	101,321.38	36.78

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Operating Expenses	28,000.00	0.00	21,541.65	0.00	6,458.35	6,458.35	76.93
Total Capital Expenses	100,800.00	0.00	77,821.26	0.00	22,978.74	22,978.74	77.20
Total Contingency/Reserves	31,460.00	0.00	0.00	0.00	31,460.00	31,460.00	0.00
Total Expenditures	160,260.00	0.00	99,362.91	0.00	60,897.09	60,897.09	62.00
Revenues vs. Expenditures	0.00	7,577.93	-40,424.29	-40,424.29			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 120

CDBG HOUSING

Revenues

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Grants	0.00	0.00	-4,958.15	4,958.15	0.00
Total Interest Earned	0.00	0.00	0.00	0.00	0.00
Total Transfers In	0.00	0.00	4,050.09	-4,050.09	0.00
Total Budgeted Surplus	0.00	0.00	0.00	0.00	0.00
Total Revenues	0.00	0.00	-908.06	908.06	0.00

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Operating Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Capital Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Transfers Out	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Reserves	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenues vs. Expenditures	0.00	0.00	-908.06	-908.06			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 130

CDBG-ECONOMIC DEVELOPMENT**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Impact Fees	0.00	0.00	0.00	0.00	0.00
FDOT Grant	0.00	0.00	0.00	0.00	0.00
Total Interest Earned	0.00	0.00	0.00	0.00	0.00
Total Loan Repayment	0.00	0.00	0.00	0.00	0.00
Total Transfers	0.00	0.00	0.00	0.00	0.00
Total Budgeted Surplus	112,700.00	0.00	0.00	112,700.00	0.00
Total Reserve	0.00	0.00	0.00	0.00	0.00
Total Revenues	112,700.00	0.00	0.00	112,700.00	0.00

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Capital Expenses	112,700.00	0.00	0.00	0.00	112,700.00	112,700.00	0.00
Total Reserves	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	112,700.00	0.00	0.00	0.00	112,700.00	112,700.00	0.00
Revenues vs. Expenditures	0.00	0.00	0.00	0.00			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 140

SEWER IMPACT

Revenues

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Impact Fees-Sewer Impact Fund	0.00	0.00	0.00	0.00	0.00
Total Interest Earned-Sewer Impact Fund	0.00	0.00	0.00	0.00	0.00
Total Impact Fees	232,100.00	45,259.50	281,746.19	-49,646.19	121.39
Total Other Revenue	0.00	0.00	0.00	0.00	0.00
Total Surplus-Sewer Impact Fund	-40,000.00	0.00	0.00	40,000.00	0.00
Total Revenues	272,100.00	45,259.50	281,746.19	-9,646.19	103.55

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Operating Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Transfers to Debt-Sewer Impact Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Transfers	228,000.00	19,000.00	190,000.00	0.00	-38,000.00	-38,000.00	83.33
Total Reserves-Sewer Impact Fund	-44,100.00	0.00	0.00	0.00	-44,100.00	-44,100.00	0.00
Total Expenditures	272,100.00	19,000.00	190,000.00	0.00	82,100.00	82,100.00	69.83
Revenues vs. Expenditures	0.00	26,259.50	91,746.19	91,746.19			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 145

WATER IMPACT FEES**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Interest Earned-Water Impact Fund	0.00	0.00	0.00	0.00	0.00
Total Impact Fees-Water Impact Fund	96,000.00	19,138.90	127,482.86	-31,482.86	132.79
Total Surplus-Water Impact Fund	0.00	0.00	0.00	0.00	0.00
Total Revenues	96,000.00	19,138.90	127,482.86	-31,482.86	132.79

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Transfers	96,000.00	8,000.00	80,000.00	0.00	16,000.00	16,000.00	83.33
Total Reserves-Water Impact Fees	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	96,000.00	8,000.00	80,000.00	0.00	16,000.00	16,000.00	83.33
Revenues vs. Expenditures	0.00	11,138.90	47,482.86	47,482.86			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 150

UTILITY TAX

Revenues

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Utility Revenues	1,666,000.00	151,875.52	1,398,417.49	267,582.51	83.94
Total Interest Earned	0.00	0.12	0.92	-0.92	0.00
Total Cash Balance Fwd	125,400.00	0.00	0.00	125,400.00	0.00
Total Revenues	1,791,400.00	151,875.64	1,398,418.41	392,981.59	78.06

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Transfers Out	1,740,000.00	145,000.00	1,450,000.00	0.00	290,000.00	290,000.00	83.33
Total Reserves	51,400.00	0.00	0.00	0.00	51,400.00	51,400.00	0.00
Total Expenditures	1,791,400.00	145,000.00	1,450,000.00	0.00	341,400.00	341,400.00	80.94
Revenues vs. Expenditures	0.00	6,875.64	-51,581.59	-51,581.59			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 160

LOCAL LAW ENF BLOCK GRANT**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total State Grant	0.00	0.00	0.00	0.00	0.00
Total Interest Earned	0.00	0.00	0.00	0.00	0.00
Total Interest Earned-LBG	0.00	0.00	0.00	0.00	0.00
Total Cash Balance Forward	571.00	0.00	0.00	571.00	0.00
Total City Match	0.00	0.00	0.00	0.00	0.00
Total Revenues	571.00	0.00	0.00	571.00	0.00

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Operating Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Capital Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Refund-Prior Year Grant	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Refund-Prior Year Grant	571.00	0.00	0.00	0.00	571.00	571.00	0.00
Total Expenditures	571.00	0.00	0.00	0.00	571.00	571.00	0.00
Revenues vs. Expenditures	0.00	0.00	0.00	0.00			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 170

CEMETERY

Revenues

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Sales/Fees	104,100.00	8,673.75	117,729.21	-13,629.21	113.09
Total Interest Earned	0.00	565.64	16,995.69	-16,995.69	0.00
Total Other Revenue	0.00	0.00	0.00	0.00	0.00
Total Transfers	0.00	0.00	0.00	0.00	0.00
Total Budgeted Cash Balance Fwd	895,700.00	0.00	0.00	895,700.00	0.00
Total Revenues	999,800.00	9,239.39	134,724.90	865,075.10	13.48

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Personnel Expenses	66,446.00	5,205.66	52,954.55	0.00	13,491.45	13,491.45	79.70
Total Operating Expenses	23,834.00	720.38	14,581.65	0.00	9,252.35	9,252.35	61.18
Total Capital Expenses	1,950.00	0.00	1,898.88	0.00	51.12	51.12	97.38
Total Reserves	893,000.00	0.00	0.00	0.00	893,000.00	893,000.00	0.00
Total Contingency	14,570.00	0.00	0.00	0.00	14,570.00	14,570.00	0.00
Total Expenditures	999,800.00	5,926.04	69,435.08	0.00	930,364.92	930,364.92	6.94
Revenues vs. Expenditures	0.00	3,313.35	65,289.82	65,289.82			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 180

COMMUNITY REDEVELOPMENT AREA**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Taxes	0.00	0.00	0.00	0.00	0.00
Total Interest	0.00	0.00	0.00	0.00	0.00
Total Other Revenue	0.00	0.00	1,000.00	-1,000.00	0.00
Total Transfers	0.00	0.00	0.00	0.00	0.00
Total Cash Balance Forward	0.00	0.00	0.00	0.00	0.00
Total Revenues	0.00	0.00	1,000.00	-1,000.00	0.00

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Operating Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Capital	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Transfers Out	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Reserves	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Revenues vs. Expenditures	0.00	0.00	1,000.00	1,000.00			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 190

LAW ENFORCEMENT RECOVERY**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total LERF Revenue	149,000.00	10,008.16	85,150.04	63,849.96	57.15
Total Cash Balance Forward	85,300.00	0.00	0.00	85,300.00	0.00
Total Revenues	234,300.00	10,008.16	85,150.04	149,149.96	36.34

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Operating Expenses	70,000.00	3,064.12	44,706.31	0.00	25,293.69	25,293.69	63.87
Total LERF Capital Expenses	127,700.00	6,650.10	118,039.89	0.00	9,660.11	9,660.11	92.44
Total LERF Reserves	36,600.00	0.00	0.00	0.00	36,600.00	36,600.00	0.00
Total Expenditures	234,300.00	9,714.22	162,746.20	0.00	71,553.80	71,553.80	69.16
Revenues vs. Expenditures	0.00	293.94	-77,596.16	-77,596.16			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 220

BOND DEBT SERVICE**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Interest Earned-GOB Fund	0.00	0.00	0.00	0.00	0.00
Total Transfers from General Fund	345,000.00	28,750.00	287,500.00	57,500.00	83.33
Total Cash Balance Forward	83,800.00	0.00	0.00	83,800.00	0.00
Total Revenues	428,800.00	28,750.00	287,500.00	141,300.00	67.05

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Debt Service	424,484.00	0.00	424,483.60	0.00	0.40	0.40	100.00
TOTAL TRANSFER OUT	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Reserves-GOB Debt Service	4,316.00	0.00	0.00	0.00	4,316.00	4,316.00	0.00
Total Expenditures	428,800.00	0.00	424,483.60	0.00	4,316.40	4,316.40	98.99
Revenues vs. Expenditures	0.00	28,750.00	-136,983.60	-136,983.60			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 230

UTILITY DEBT SERVICE**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Interest	0.00	0.00	0.00	0.00	0.00
Total Transfers	2,754,098.00	229,508.17	2,295,081.70	459,016.30	83.33
Total Cash Balance Forward	189,402.00	0.00	0.00	189,402.00	0.00
Total Revenues	2,943,500.00	229,508.17	2,295,081.70	648,418.30	77.97

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Debt Service	2,754,998.00	1,704,475.00	2,410,870.75	0.00	344,127.25	344,127.25	87.51
Total Transfer Out	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Reserves	188,502.00	0.00	0.00	0.00	188,502.00	188,502.00	0.00
Total Reserves	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Expenditures	2,943,500.00	1,704,475.00	2,410,870.75	0.00	532,629.25	532,629.25	81.90
Revenues vs. Expenditures	0.00	-1,474,966.83	-115,789.05	-115,789.05			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 240

MARINA DEBT SERVICE**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Transfers In	117,938.00	9,828.17	98,281.70	19,656.30	83.33
Total Cash Balance Forward	25,836.00	0.00	0.00	25,836.00	0.00
Total Revenues	143,774.00	9,828.17	98,281.70	-15,492.30	68.36

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Debt Service	117,938.00	0.00	119,720.01	0.00	-1,782.01	-1,782.01	101.51
Total Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Reserves	25,836.00	0.00	0.00	0.00	25,836.00	25,836.00	0.00
Total Expenditures	143,774.00	0.00	119,720.01	0.00	24,053.99	24,053.99	83.27
Revenues vs. Expenditures	0.00	9,828.17	-21,438.31	-21,438.31			

Detail Budget Report

Fiscal Year to Date Thru July 2016

Fund 300

CAPITAL IMPROVEMENT**Revenues**

		Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
300-312.4000	LOCAL OPTION GAS TAX	0.00	0.00	0.00	0.00	0.00
300-312.6000	SMALL COUNTY SURTAX	0.00	0.00	0.00	0.00	0.00
	Total Local Option Taxes	0.00	0.00	0.00	0.00	0.00
300-331.1000	FED GRANT DOWNTOWN COMFORT STATION	0.00	0.00	0.00	0.00	0.00
300-331.2000	FED GRANT FIRE PREVENTION TRAILER	0.00	0.00	0.00	0.00	0.00
300-331.3000	FEDERAL GRANT FIRE TRUCK	0.00	0.00	0.00	0.00	0.00
300-331.3010	FBIP-BOAT RAMP	0.00	0.00	0.00	0.00	0.00
300-331.4000	FEDERAL HOMELAND SECURITY FEMA	0.00	0.00	0.00	0.00	0.00
300-331.4010	FEDERAL USDA	0.00	0.00	0.00	0.00	0.00
300-331.7000	BEACH STABILIZATION FEDERAL	0.00	0.00	0.00	0.00	0.00
300-334.3600	STATE GRANT	118,008.00	345.51	5,365.76	112,642.24	4.55
300-334.3800	STATE GRANT FRDAP	0.00	0.00	0.00	0.00	0.00
300-334.3810	FRDAP	0.00	0.00	0.00	0.00	0.00
300-334.3820	FRDAP GRANT-SEASIDE PARK	0.00	0.00	0.00	0.00	0.00
300-334.3830	FRDAP SKATE PARK	0.00	0.00	0.00	0.00	0.00
300-334.3840	FRDAP MLK POOL	0.00	0.00	0.00	0.00	0.00
300-334.3850	FRDAP MAIN BEACH PARK	0.00	0.00	0.00	0.00	0.00
300-334.3860	FRDAP LIGHTHOUSE	0.00	0.00	0.00	0.00	0.00
300-334.3870	FIND	0.00	0.00	0.00	0.00	0.00
300-334.3880	FIND BOAT RAMP	0.00	0.00	0.00	0.00	0.00
300-334.4100	STATE GRANT-BEACH PRESERVATION	0.00	0.00	0.00	0.00	0.00
300-334.4110	STATE GRANT-EMERGENCY DUNE ENHANCEMENT	0.00	0.00	0.00	0.00	0.00
300-334.4200	LAND WATER CONSERVATION GRANT	0.00	0.00	0.00	0.00	0.00
300-334.4220	STATE GRANT FIRE RESCUE UNIT	0.00	0.00	0.00	0.00	0.00
300-334.7000	STATE GRANTS RECREATION MASTER PLAN	0.00	0.00	0.00	0.00	0.00
300-334.7001	COUNTY GRANT FIRE DEPT SHUTTERS	0.00	0.00	0.00	0.00	0.00
	Total State Grants	118,008.00	345.51	5,365.76	112,642.24	4.55
300-335.4400	8TH CENT GAS TAX	100,000.00	8,291.23	81,242.91	18,757.09	81.24
	Total Gas Tax	100,000.00	8,291.23	81,242.91	18,757.09	81.24
300-337.7000	COUNTY GRANTS	68,121.00	199.24	150,343.52	-82,222.52	220.70
300-337.7100	TDC GRANT	0.00	0.00	0.00	0.00	0.00
300-337.7110	CPI LIGHTHOUSE GRANT	0.00	0.00	0.00	0.00	0.00
300-337.7120	CPI DUNE REVEG GRANT	0.00	0.00	0.00	0.00	0.00
300-337.7130	CPI NORTH BEACH PARK GRANT	0.00	0.00	0.00	0.00	0.00
300-337.7140	HICKORY STREET/COUNTY PORTION	0.00	0.00	0.00	0.00	0.00
300-337.7150	ST JOHNS RIVER MGMT-STORMWATER 1ST AVE	0.00	0.00	0.00	0.00	0.00
300-337.7160	GRANT REVENUE-SKATE PARK	0.00	0.00	0.00	0.00	0.00
300-337.7165	GRANT REVENUE-SOCCER	0.00	0.00	0.00	0.00	0.00
300-337.7166	GRANT REV-TDC RESTORATION FOUNDATION	0.00	0.00	0.00	0.00	0.00
300-337.7200	FOL CONTRIBUTION	0.00	0.00	0.00	0.00	0.00
	Total Other Grants	68,121.00	199.24	150,343.52	-82,222.52	220.70
300-360.1000	LOAN PROCEEDS	0.00	0.00	440,363.00	-440,363.00	0.00
300-361.1000	INTEREST EARNED	1,000.00	340.35	2,591.77	-1,591.77	259.18
300-361.2000	UNREALIZED GAIN-SBA	0.00	0.00	0.00	0.00	0.00
300-361.4000	INTEREST ON PAVING ASSESSMENTS	0.00	0.00	0.00	0.00	0.00
	Total Interest Earned	1,000.00	340.35	442,954.77	-441,954.77	296.48
300-363.2000	PAYMENT ON PAVING ASSESSMENTS	0.00	0.00	0.00	0.00	0.00
300-369.9000	OTHER REVENUE	0.00	0.00	0.00	0.00	0.00

Detail Budget Report

Fiscal Year to Date Thru July 2016

Fund 300

CAPITAL IMPROVEMENT**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Other Revenues	0.00	0.00	0.00	0.00	0.00
300-381.1000 TRANSFER IN/GENERAL	1,133,500.00	94,458.34	944,583.40	188,916.60	83.33
300-381.1010 TRANSFER IN PECK/GENERAL	0.00	0.00	0.00	0.00	0.00
300-381.2200 GOB DEBT SERVICE FUND	0.00	0.00	0.00	0.00	0.00
300-381.3100 TRANSFER IN/CAPITAL EXPANSION	0.00	0.00	0.00	0.00	0.00
Total Transfers In	1,133,500.00	94,458.34	944,583.40	188,916.60	83.33
300-384.0000 LAND ACQUISITION LOAN	0.00	0.00	0.00	0.00	0.00
300-384.0001 OTHER FINANCING SOURCES	1,743,500.00	0.00	0.00	1,743,500.00	0.00
Total Loans	1,743,500.00	0.00	0.00	1,743,500.00	0.00
300-389.1000 CASH BALANCE FORWARD	578,550.00	0.00	0.00	578,550.00	0.00
300-389.1005 CASH BALANCE FORWARD F2	0.00	0.00	0.00	0.00	0.00
300-389.1010 CASH BALANCE FORWARD-BOND	0.00	0.00	0.00	0.00	0.00
Total Cash Balance FWD	578,550.00	0.00	0.00	578,550.00	0.00
Total Revenues	3,742,679.00	103,634.67	1,624,490.36	2,118,188.64	43.40

Detail Budget Report

Fiscal Year to Date Thru July 2016

Fund 300

CAPITAL IMPROVEMENT

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
300-3000-519.2100	FICA	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-519.2300	LIFE/HEALTH	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-519.2301	LIFE	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-519.6300	AERIAL LADDER LEASE PAY	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-519.6305	AMBULANCE LEASE	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-519.6310	ADA-RENOVATIONS	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-519.6400	ERP SOFTWARE	743,000.00	10,609.37	178,799.84	0.00	564,200.16	24.05
300-3000-519.7100	PRINCIPAL	192,949.00	0.00	44,098.85	0.00	148,850.15	22.86
300-3000-519.7200	INTEREST	57,171.00	0.00	10,646.01	0.00	46,524.99	18.62
300-3000-519.7300	BOND EXPENSE	1,000.00	0.00	0.00	0.00	1,000.00	0.00
300-3000-519.7310	FINANCE CHARGES	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-519.7400	WATERFRONT PROJECT	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-519.7410	REPAIR PILINGS-BRETT'S	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-519.7420	CRA PLAN	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-521.6300	FIRE TRAINING FACILITY	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-521.6310	FIRE STATION STORAGE	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-521.6320	FIRE BOAT	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-521.6330	FIRE PREVENTION TRAILER	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-521.6340	FIRE STATION SHUTTERS	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-521.6400	FIRE TRUCK	442,000.00	0.00	440,363.00	0.00	1,637.00	99.63
300-3000-521.9100	TRANSFER OUT	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-522.6405	IMAGING SOFTWARE	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-522.6410	GREENWAY MAINTENANCE VEHIC	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-522.6415	GREENWAY MOWER	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-522.6422	FIRE RESCUE UNIT	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-522.6425	GENERATORS & EXTRACTION EQI	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-522.6426	FIRE STATION MODIFICATIONS	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.2100	FICA	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.2300	LIFE/HEALTH	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.2301	LIFE	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6290	THIRD STREET EXTENTION	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6300	SADLER RD ROUNDABOUT	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6310	SIDEWALKS-CAPITALIZED	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6311	SIDEWALKS-ALACHUA ST-CALHOI	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6312	SIDEWALKS-S 9TH ST-ATLANTIC/A	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6313	SIDEWALKS-ASH-ELM/7TH TO 5TH	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6314	SIDEWALKS-GENL/MISC	39,500.00	0.00	29,774.58	0.00	9,725.42	75.38
300-3000-541.6320	STREET PAVING/RESURFACING-C	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6400	STREETS EQUIPMENT	100,000.00	0.00	99,558.00	0.00	442.00	99.56
300-3000-541.6430	STREET PAVING/1ST CLEVELAND	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6440	STREET PAV/1ST SIMMONS/BL ME	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6450	1ST AVENUE PAVING PROJECT	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6451	1ST AVENUE NORTH-STREET PAV	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6452	1ST AVENUE STREET PAVING	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6460	STREET PAVING/N FLETCHER DOI	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6470	STREET PAVING/MISC STRIPING	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6480	STREET PAVING GEN/MISC	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6510	STREET RESURFACING-GUM ST/3	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6511	STREET RESURFACING-J LAFITTE	0.00	0.00	0.00	0.00	0.00	0.00

Detail Budget Report

Fiscal Year to Date Thru July 2016

Fund 300

CAPITAL IMPROVEMENT

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
300-3000-541.6512		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6513		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6514		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6515		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6516		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6517		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6518		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6519		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6520		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6521		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6522		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6523		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6524		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6525		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6530		32,750.00	0.00	7,967.60	0.00	24,782.40	24.33
300-3000-541.6540		300,000.00	0.00	46,430.40	0.00	253,569.60	15.48
300-3000-541.6550		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6551		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6552		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6553		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6554		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6555		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6556		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6570		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6580		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6610		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-541.6700		800,000.00	0.00	0.00	0.00	800,000.00	0.00
300-3000-571.6200		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.3100		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.3200		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.3340		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.4900		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6200		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6205		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6210		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6215		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6216		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6217		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6218		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6220		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6225		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6230		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6235		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6236		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6237		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6238		55,000.00	0.00	45,499.01	0.00	9,500.99	82.73
300-3000-572.6240		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6241		0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6242		0.00	0.00	0.00	0.00	0.00	0.00

Detail Budget Report

Fiscal Year to Date Thru July 2016

Fund 300

CAPITAL IMPROVEMENT**Expenditures**

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
300-3000-572.6516 ATLANTIC REC CENTER POOL IMI	45,000.00	531.99	35,733.71	4,779.80	4,486.49	9,266.29	90.03
300-3000-572.6517 SOLAR PANELS FOR ARC POOL	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6518 ANIMAL RESCUE CENTER	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6520 LAND ACQUISITION-SELL PROPER	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6530 LAND ACQUISITION-BABY BURNS	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6540 LAND ACQUISITION-BURNS PROP	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6560 HICKORY STREET PROJECT	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6570 LAND ACQUISITION BOND	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.6580 LAND ACQUISITION RAYONIER	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.7100 PRINCIPAL FOR POWELL PROP-BC	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-572.7200 INTEREST POWELL PROP-BOND	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-581.9500 LAND AQUISION RESERVE	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-581.9505 RESERVE F2	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-581.9510 EGANS CREEK GREENWAY/BOND	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-581.9520 RESERVE	385,058.00	0.00	0.00	0.00	385,058.00	385,058.00	0.00
300-3000-581.9530 OTHER FINANCING SOURCES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300-3000-581.9900 CONTINGENCY	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total - Dept 3000 CAPITAL IMPROVEMENT	3,742,679.00	26,210.36	1,061,484.22	43,739.80	2,637,454.98	2,681,194.78	29.53
Total Expenditures	3,742,679.00	26,210.36	1,061,484.22	43,739.80	2,637,454.98	2,681,194.78	29.53

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 310

CAPITAL EXPANSION**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Grants	0.00	0.00	0.00	0.00	0.00
Total Grants	35,000.00	0.00	0.00	35,000.00	0.00
Total Interest Earned	1,000.00	278.36	2,119.73	-1,119.73	211.97
Police Impact Fees	25,000.00	4,850.74	30,936.61	-5,936.61	123.75
Fire Impact Fees	50,000.00	9,734.83	62,086.07	-12,086.07	124.17
Sanitation Impact Fees	0.00	0.00	0.00	0.00	0.00
Recreation/Parks Impact Fees	300,000.00	51,374.70	362,013.60	-62,013.60	120.67
Administration Impact Fees	70,000.00	13,213.99	84,275.11	-14,275.11	120.39
Total Transfers IN	0.00	0.00	0.00	0.00	0.00
Budgeted Cash Fwd-Police	50,750.00	0.00	0.00	50,750.00	0.00
Budgeted Cash Fwd-Fire	218,980.00	0.00	0.00	218,980.00	0.00
Budgeted Cash Fwd-Sanitation	0.00	0.00	0.00	0.00	0.00
Budgeted Cash Fwd-Rec & Parks	995,970.00	0.00	0.00	995,970.00	0.00
Budgeted Cash Fwd-Admin	283,000.00	0.00	0.00	283,000.00	0.00
Total Revenues	2,029,700.00	79,452.62	541,431.12	1,488,268.88	26.68

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Administration Expenditures	210,000.00	52,176.81	57,176.81	0.00	152,823.19	152,823.19	27.23
Total Police Expenditures	73,000.00	0.00	3,414.30	65,988.33	3,597.37	69,585.70	95.07
Total Fire Equipment Expenditures	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fire Equipment Expenditures	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Sanitation Expenditures	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Recreation/Parks Expenditures	780,600.00	887.85	158,662.56	284,065.82	337,871.62	621,937.44	56.72
Admin-Transfer out	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Administration Expenditures	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Budgeted Reserves-Police	2,850.00	0.00	0.00	0.00	2,850.00	2,850.00	0.00
Budgeted Reserves-Fire	269,280.00	0.00	0.00	0.00	269,280.00	269,280.00	0.00
Budgeted Reserves-Sanitation	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Budgeted Reserves-Recreation/Parks	651,170.00	0.00	0.00	0.00	651,170.00	651,170.00	0.00
Budgeted Reserves-Administration	42,800.00	0.00	0.00	0.00	42,800.00	42,800.00	0.00
Total Expenditures	2,029,700.00	53,064.66	219,253.67	350,054.15	1,460,392.18	1,810,446.33	28.05
Revenues vs. Expenditures	0.00	26,387.96	322,177.45	-27,876.70			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 330

WASTEWATER IMPROVEMENT**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Interest Earned-Improvement Fund	0.00	5.68	895.51	-895.51	0.00
Total Transfers from WW Fund	250,000.00	20,833.33	208,333.30	-41,666.70	83.33
Total Cash Balance Fwd-Improvement Fund	2,237,555.00	0.00	0.00	2,237,555.00	0.00
Total Loan Proceeds-Improvement Fund	0.00	0.00	0.00	0.00	0.00
Total Revenues	2,487,555.00	20,839.01	209,228.81	2,278,326.19	8.41

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Operating Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Capital Expenses-Improvement Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Debt Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Reserves-Improvement Fund	2,487,555.00	0.00	0.00	0.00	2,487,555.00	2,487,555.00	0.00
Total Expenditures	2,487,555.00	0.00	0.00	0.00	2,487,555.00	2,487,555.00	0.00
Revenues vs. Expenditures	0.00	20,839.01	209,228.81	209,228.81			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 410

GOLF COURSE

Revenues

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Fees	971,623.00	69,332.62	772,674.25	198,948.75	79.52
Total Rentals	493,225.00	29,320.86	345,442.09	147,782.91	70.04
Total Other Sales	10,920.00	808.80	5,203.53	5,716.47	47.65
Total Interest Earned	0.00	0.00	0.00	0.00	0.00
Total Other Revenue	1,367.00	3,494.95	78,915.05	-77,548.05	772.86
Total Transfers In	237,000.00	19,750.00	197,500.00	39,500.00	83.33
Total Loan Forgiveness	0.00	0.00	0.00	0.00	0.00
Total Budgeted Cash Fwd	-620,500.00	0.00	0.00	-620,500.00	0.00
Total Revenues	1,093,635.00	122,707.23	1,399,734.92	-306,099.92	127.99

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Personnel Expenses	2,097.00	110.16	1,208.97	0.00	888.03	888.03	57.65
Total Operating Expenses	1,494,588.00	114,009.95	1,148,440.30	0.00	346,147.70	346,147.70	76.84
Total Capital Expenses	80,000.00	0.00	39,205.19	0.00	40,794.81	40,794.81	49.01
Total Debt Service	140,451.00	0.00	10,429.22	0.00	130,021.78	130,021.78	7.43
Total Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Contingency	-623,501.00	0.00	0.00	0.00	-623,501.00	-623,501.00	0.00
Total Expenditures	1,093,635.00	114,120.11	1,199,283.68	0.00	-105,648.68	-105,648.68	109.65
Revenues vs. Expenditures	0.00	8,587.12	200,451.24	200,451.24			

Handwritten notes and calculations:

Exp 122,707.23
 YTD 1,399,734.92
 Unencumb Bal 346,147.70
 Unexpend Bal 346,147.70
 % Exp 76.84
 Total Expenditures 1,199,283.68
 YTD Encumb 0.00
 Unencumb Bal -105,648.68
 Unexpend Bal -105,648.68
 % Exp 109.65
 Revenues vs. Expenditures 8,587.12
 YTD 200,451.24
 Unencumb Bal 200,451.24
 Unexpend Bal 200,451.24
 % Exp 109.65

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 420

AIRPORT

Revenues

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Grants/Contributions	388,000.00	9,949.34	69,093.39	318,906.61	17.81
Total Leases/Rents	593,497.00	48,777.92	489,657.67	103,839.33	82.50
Total Other Revenue	25,000.00	1,336.90	59,692.34	-34,692.34	236.77
Total Transfers In	0.00	0.00	0.00	0.00	0.00
Total Cash Balance Fwd	780,941.00	0.00	0.00	780,941.00	0.00
Total Revenues	1,787,438.00	60,064.16	618,443.40	1,168,994.60	34.60

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Personnel Expenses	97,169.00	8,003.80	80,894.60	0.00	16,274.40	16,274.40	83.25
Total Operating Expenses	248,405.00	10,974.64	138,623.10	3,600.01	106,181.89	109,781.90	57.25
Total Capital Expenses	441,500.00	7,906.08	99,920.57	205,374.82	136,204.61	341,579.43	69.15
Total Debt Service	70,976.00	0.00	9,951.00	0.00	61,025.00	61,025.00	14.02
Total Transfers	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Contingency	929,388.00	0.00	0.00	0.00	929,388.00	929,388.00	0.00
Total Expenditures	1,787,438.00	26,884.52	329,389.27	208,974.83	1,249,073.90	1,458,048.79	30.12
Revenues vs. Expenditures	0.00	33,179.64	289,054.13	80,079.30			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 440

SANITATION**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Grant Revenue	0.00	0.00	0.00	0.00	0.00
Total Garbage Fees	2,225,000.00	195,478.82	1,908,795.13	316,204.87	85.79
Total Shrimp Fest Fees	0.00	0.00	0.00	0.00	0.00
Total Interest Earned	0.00	51.36	391.08	-391.08	0.00
Total Sale of Assets	0.00	0.00	0.00	0.00	0.00
Total Recycling Program	0.00	0.00	0.00	0.00	0.00
Total Other Revenue	25,000.00	1,687.73	15,750.91	9,249.09	63.00
Total Transfers In	0.00	0.00	0.00	0.00	0.00
Total Budgeted Cash Balance Fwd	196,900.00	0.00	0.00	196,900.00	0.00
Total Revenues	2,446,900.00	197,217.91	1,924,937.12	521,962.88	78.67

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Personnel Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Operating Expenses	2,229,300.00	179,920.77	1,909,820.17	0.00	319,479.83	319,479.83	85.67
Total Capital Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Debt Service	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Transfers to GF	60,000.00	5,000.00	50,000.00	0.00	10,000.00	10,000.00	83.33
Total Reserves/Contingency	157,600.00	0.00	0.00	0.00	157,600.00	157,600.00	0.00
Total Expenditures	2,446,900.00	184,920.77	1,959,820.17	0.00	487,079.83	487,079.83	80.09
Revenues vs. Expenditures	0.00	12,297.14	-34,883.05	-34,883.05			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 450

WASTEWATER**Revenues**

	Budgeted	Current Revenue	LY YTD Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Sewer Fees-WW Fund	5,330,100.00	484,549.30	4,374,853	4,561,088.76	769,011.24	85.57
Total Interest Earned-WW Fund	7,031.00	769.75		6,713.85	317.15	95.49
Total Other Revenue-WW Fund	40,000.00	0.00		0.00	40,000.00	0.00
Total Cash Balance Fwd-WW Fund	3,453,869.00	0.00		0.00	3,453,869.00	0.00
Total Revenues	8,831,000.00	485,319.05		4,567,802.61	4,263,197.39	51.72

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Personnel Expenses-WW Fund	1,064,871.00	83,255.44	751,903.68	0.00	312,967.32	312,967.32	70.61
Total Operating Expenses-WW Fund	1,347,309.00	118,292.14	920,450.59	43,978.04	382,880.37	426,858.41	71.58
Total Capital Expenses-WW Fund	1,131,600.00	114,807.33	780,267.62	12,153.01	339,179.37	351,332.38	70.03
Total Debt Service-WW Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Transfer to GF-WW Fund	260,000.00	21,666.66	216,666.60	0.00	43,333.40	43,333.40	83.33
Transfer to Utility Admin-WW Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Transfer to Debt Fund-WW Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Transfer to Utility Acquisition Debt Fund	651,989.00	54,332.42	543,324.20	0.00	108,664.80	108,664.80	83.33
Transfer to Water-WW Fund	600,000.00	50,000.00	500,000.00	0.00	100,000.00	100,000.00	83.33
Transfer to Sewer Capital-WW Fund	250,000.00	20,833.33	208,333.30	0.00	41,666.70	41,666.70	83.33
Total Contingency-WW Fund	3,525,231.00	0.00	0.00	0.00	3,525,231.00	3,525,231.00	0.00
Total Expenditures	8,831,000.00	463,187.32	3,920,945.99	56,131.05	4,853,922.96	4,910,054.01	45.04
Revenues vs. Expenditures	0.00	22,131.73	646,856.62	590,725.57			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 460

WATER**Revenues**

	Budgeted	Current Revenue	LY 3,182,000	YTD Revenue	Uncollected Bal	% Collected
Total Water Fees	3,753,023.00	382,007.42		3,223,780.18	529,242.82	85.90
Total Interest Earned-Water Fund	2,300.00	5.86		2,085.26	214.74	90.66
Total Other Revenue-Water Fund	21,000.00	1,174.30		29,685.50	-8,685.50	141.36
Total Transfers In Wastewater	600,000.00	50,000.00		500,000.00	100,000.00	83.33
Total Bond Proceeds	0.00	0.00		0.00	0.00	0.00
Total Cash Balance Fwd-Water Fund	2,411,677.00	0.00		0.00	2,411,677.00	0.00
Total Revenues	6,788,000.00	433,187.58		3,755,550.94	3,032,449.06	55.33

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Personnel Expenses-Water Fund	934,150.00	68,214.33	675,780.92	0.00	258,369.08	258,369.08	72.34
Total Operating Expenses-Water Fund	1,350,800.00	92,277.36	757,615.40	9,685.00	583,499.60	593,184.60	56.80
Total Capital Expenses-Water Fund	308,500.00	0.00	199,211.96	95,899.99	13,388.05	109,288.04	95.66
Total Debt Service-Water Fund	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Transfers from Water to GF	160,000.00	13,333.33	133,333.30	0.00	26,666.70	26,666.70	83.33
Transfers from Water to GF	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Transfer to Utility Acquisition Debt Service	1,778,109.00	148,175.75	1,481,757.50	0.00	296,351.50	296,351.50	83.33
Total Contingency-Water Fund	2,256,441.00	0.00	0.00	0.00	2,256,441.00	2,256,441.00	0.00
Total Expenditures	6,788,000.00	322,000.77	3,247,699.08	105,584.99	3,434,715.93	3,540,300.92	49.40
Revenues vs. Expenditures	0.00	111,186.81	507,851.86	402,266.87			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 470

STORM WATER MANAGEMENT**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Grant Revenue	0.00	0.00	0.00	0.00	0.00
Total Grant Revenue	0.00	0.00	0.00	0.00	0.00
Total Fee for Services	270,908.00	23,020.79	235,937.68	34,970.32	97.09
Total Interest	0.00	0.00	0.00	0.00	0.00
Total Transfers	21,515.00	1,792.92	17,929.20	3,585.80	83.33
Total Cash Balance Forward	296,877.00	0.00	0.00	296,877.00	0.00
Total Revenues	589,300.00	24,813.71	253,866.88	335,433.12	43.08

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Personnel Expenses	59,083.00	0.00	0.00	0.00	59,083.00	59,083.00	0.00
Total Operating Expenses	312,290.00	7,711.66	89,443.11	0.00	222,846.89	222,846.89	28.64
Total Capital Expenses	160,000.00	20,855.12	58,574.08	1,425.00	100,000.92	101,425.92	37.50
Total Debt Service	43,030.00	0.00	43,030.18	0.00	-0.18	-0.18	100.00
Total Contingency	14,897.00	0.00	0.00	0.00	14,897.00	14,897.00	0.00
Total Expenditures	589,300.00	28,566.78	191,047.37	1,425.00	396,827.63	398,252.63	32.66
Revenues vs. Expenditures	0.00	-3,753.07	62,819.51	61,394.51			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 480

MARINA

Revenues

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Grant Revenue	355,200.00	0.00	0.00	355,200.00	0.00
Total Slip Rentals-Permanent	250,000.00	16,857.15	181,619.67	68,380.33	72.65
Total Big P	0.00	0.00	0.00	0.00	0.00
Total Slip Rentals-Transient	480,000.00	31,323.67	458,360.38	21,639.62	95.49
Total Slip Rentals-Non-Taxable	7,000.00	420.00	6,870.79	129.21	98.15
Total Business Rentals	54,500.00	4,582.73	44,885.40	9,614.60	82.36
Total Moorings	38,000.00	3,195.00	30,409.00	7,591.00	80.02
Total Merchandise for Resale	0.00	-854.98	3,793.91	-3,793.91	0.00
Total Services-Nontaxable	1,600.00	19.00	1,387.24	212.76	86.70
Total Services-Taxable	0.00	296.49	2,997.71	-2,997.71	0.00
Total Gasoline/Fuel	1,325,200.00	135,016.24	1,202,250.61	122,949.39	90.72
Total Interest Earned	0.00	0.00	0.00	0.00	0.00
Total Rents	10,700.00	902.16	10,602.60	97.40	99.09
Total Other Revenue	250.00	-60.47	53.06	196.94	21.22
Total Transfers In	307,000.00	25,583.34	255,833.40	51,166.60	83.33
Total Loan Proceeds	840,300.00	0.00	0.00	840,300.00	0.00
Total Cash Balance Forward	-389,340.00	0.00	0.00	-389,340.00	0.00
Total Revenues	3,280,410.00	217,280.33	2,199,063.77	1,081,346.23	67.04

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Personnel Expenses	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Operating Expenses	1,794,209.00	156,871.49	1,418,165.99	11,655.40	364,387.61	376,043.01	79.69
Total Capital Expenses	1,245,200.00	20,384.75	731,767.87	60,901.75	452,530.38	513,432.13	63.66
Total Debt Service	463,681.00	0.00	24,008.86	0.00	439,672.14	439,672.14	5.18
Total Transfers Out	117,938.00	9,828.17	98,281.70	0.00	19,656.30	19,656.30	83.33
Total Contingency-Marina Fund	-340,618.00	0.00	0.00	0.00	-340,618.00	-340,618.00	0.00
Total Expenditures	3,280,410.00	187,084.41	2,272,224.42	72,557.15	935,628.43	1,008,185.58	71.48
Revenues vs. Expenditures	0.00	30,195.92	-73,160.65	-145,717.80			

Budget

YTD

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Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 510

CENTRAL GARAGE**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Interest Earned	130,000.00	0.00	0.00	130,000.00	0.00
Total Other Revenue	87,500.00	2,161.27	91,341.08	-4,341.08	104.96
Total General Fund Fees	385,500.00	48,898.34	353,465.29	32,034.71	91.69
Total Enterprise Fund Fees	97,250.00	22,292.01	131,015.25	-33,765.25	134.72
Total Gas/Oil Revenues	370,750.00	22,725.80	190,753.88	179,996.12	51.45
TOTAL TRANSFERS IN	50,000.00	4,166.67	41,666.70	8,333.30	83.33
Total Cash Balance Fwd	-71,000.00	0.00	0.00	-71,000.00	0.00
Total Revenues	1,050,000.00	100,244.09	808,742.20	241,257.80	77.02

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Personnel Expenses	230,848.00	18,660.71	184,659.68	0.00	46,188.32	46,188.32	79.99
Total Operating Expenses	67,962.00	5,901.94	51,321.73	0.00	16,640.27	16,640.27	75.52
Total Capital Expenses	137,500.00	2,158.36	36,374.75	0.00	101,125.25	101,125.25	26.45
Total Cost Goods Sold	615,200.00	61,131.42	402,223.06	5,160.95	207,815.99	212,976.94	66.22
Totals Transfers to GF	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Totals Transfers to GF	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Contingency	-1,510.00	0.00	0.00	0.00	-1,510.00	-1,510.00	0.00
Total Expenditures	1,050,000.00	87,852.43	674,579.22	5,160.95	370,259.83	375,420.78	64.74
Revenues vs. Expenditures	0.00	12,391.66	134,162.98	129,002.03			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 520

UTILITY BILLING**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Admin Fees	32,000.00	3,140.00	26,684.78	5,315.22	83.39
Total Interest Earned	75,000.00	0.00	0.00	75,000.00	0.00
Total Other Revenue	476,200.00	40,005.06	397,589.03	78,610.97	83.49
Total General Fund Fees	0.00	0.00	0.00	0.00	0.00
Total Enterprise Fund Fees	0.00	0.00	0.00	0.00	0.00
Total Enterprise Fund Fees	0.00	0.00	0.00	0.00	0.00
Total Cash Balance Forward	31,300.00	0.00	0.00	31,300.00	0.00
Total Revenues	614,500.00	43,145.06	424,273.81	190,226.19	69.04

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpnd Bal	% Exp
Total Personnel Expenses	309,180.00	24,197.11	247,160.17	0.00	62,019.83	62,019.83	79.94
Total Operating Expenses	122,392.00	9,638.53	98,094.25	0.00	24,297.75	24,297.75	80.15
Total Depreciation Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Mach/Equip	147,600.00	2,431.95	40,985.64	0.00	106,614.36	106,614.36	27.77
Total Contingency	35,328.00	0.00	0.00	0.00	35,328.00	35,328.00	0.00
Total Expenditures	614,500.00	36,267.59	386,240.06	0.00	228,259.94	228,259.94	62.85
Revenues vs. Expenditures	0.00	6,877.47	38,033.75	38,033.75			

Budget Summary Report

Fiscal Year to Date Thru July 2016

Fund 530

UTILITES ADMINISTRATION**Revenues**

	Budgeted	Current Revenue	YTD Revenue	Uncollected Bal	% Collected
Total Interest Earned	0.00	0.00	0.00	0.00	0.00
Total Other Revenue	313,000.00	26,083.32	260,833.20	52,166.80	83.33
Total General Fund Fees	0.00	0.00	0.00	0.00	0.00
Total Enterprise Fund Fees	0.00	0.00	0.00	0.00	0.00
Total Cash Balance Forward	122,200.00	0.00	0.00	122,200.00	0.00
Total Revenues	435,200.00	26,083.32	260,833.20	174,366.80	59.93

Expenditures

Department	Budgeted	Current Expend	YTD Expend	YTD Encumb	Unencumb Bal	Unexpend Bal	% Exp
Total Personnel Expenses	316,681.00	24,630.53	253,136.67	0.00	63,544.33	63,544.33	79.93
Total Operating Expenses	42,723.00	2,300.71	19,231.28	0.00	23,491.72	23,491.72	45.01
Total Depreciation Expense	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total Contingency	75,796.00	0.00	0.00	0.00	75,796.00	75,796.00	0.00
Total Expenditures	435,200.00	26,931.24	272,367.95	0.00	162,832.05	162,832.05	62.58
Revenues vs. Expenditures	0.00	-847.92	-11,534.75	-11,534.75			

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Approval of City Commission Meeting Minutes**

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **Approve Minutes**

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

TYPE OF MEETING	DATE
Work Session Meeting	9/10/10
Regular Meeting	7/19/16

FISCAL IMPACT: N/A

2016/2017 CITY COMMISSION GOALS:
(As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): N/A

DEPARTMENT DIRECTOR Submitted by: Caroline Best *CBest.* Date: 7/25/16
City Clerk

CONTROLLER Approved as to Budget Compliance Date:

CITY ATTORNEY Approved as to Form and Legality Date:

CITY MANAGER Approved Agenda Item for 8/16/16 *DLM* Date: 7/25/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

The City Commission of the City of Fernandina Beach, Florida, met in a Work Session on Friday, September 10, 2010 at 7:00 am in the City Commission Chambers. Present were Mayor Susan Steger presiding, Commissioners Eric Childers, and Arlene Filkoff. Also present were City Manager Michael Czymbor, City Attorney Tammi Bach, and City Clerk Mary Mercer. Vice-Mayor Tim Poynter and Commissioner Jeffrey Bunch were absent.

Mayor Steger called the meeting to order and dispensed with normal formalities.

OPPORTUNITY TO INTERACT WITH A LEADING EXPERT REGARDING SUSTAINABLE DEVELOPMENT, LAND CONSERVATION, URBAN DESIGN AND HISTORIC PRESERVATION IN HISTORIC DOWNTOWN: Mayor Steger welcomed Mr. Ed McMahon from the Urban Land Institute and expressed her appreciation for his time. Mr. McMahon explained that he is a Senior Developer of Sustainable Development for the Urban Land Institute, which fosters best practices in land use and development. He commented that last night he talked about the connection between economic development, quality of life, and community character. He stated that he was invited to Fernandina Beach by the Restoration Foundation and there was a fair amount of talk about downtown. He pointed out that a community's image is fundamentally important to its economic wellbeing. He clarified that the more a community does to enhance its distinctiveness the more reason there is to visit. He explained that there is an importance of design in communities and first impressions matter. He stated that successful communities have a vision for the future and plans for the future, which begin with an inventory of its assets (natural, cultural, economic, etc.). He commented that successful communities use education, incentives, partnerships, volunteer initiatives and not just regulations when building a great community. He stated that successful communities pick and choose among development proposals. He pointed out that many towns have a fear of saying no to anything so they have the worst of everything. He explained that communities that set high standards will compete to the top and communities that set low standards will compete to the bottom.

Mayor Steger commented that at last night's presentation there was a lot of talk of the vision for the town. She inquired how long do visions last and how often do they need to be updated. Mr. McMahon replied that just like a Comprehensive Plan they need to be updated every 5-10 years. He pointed out that a vision is always evolving and changing. He stated that the key to visioning is the implementation. He briefly explained that for implementation you pick out what is the easiest on the vision plan and implement that. He stated that then people start to believe that the vision is actually more than a plan on the shelf. He related an example of Chattanooga that is now known as an international model for sustainable development. He stated that Chattanooga is like any city in America it is a work in progress, but it is a completely different city today than it was when they started. He commented that after you have implemented something the vision kind of changes and people see things in a different way. He also related an example from Stanford Virginia that all began with the vision of restoring downtown.

Commissioner Filkoff inquired about the success rate when city government takes the lead on these kinds of efforts. Mr. McMahon stated that the best efforts are usually public/private partnerships. He commented that in some places the city takes the lead and some places some non-profit or local community group does. He explained that visioning is an all hands on deck thing, because if the city isn't on board then it would not come to fruition and if the community isn't involved it is viewed as the city's plan. He provided further clarification and examples of visioning that includes a group that is a mix of public and private leaders. He briefly explained that when they do training with the Park Service they also invite the public officials, the Chamber of Commerce, business people, non-profits, environmental, etc. to come to the training, which is a way to have everybody listening to everyone else. He stated that visioning is a process to get things done in a community and getting the community onboard to do those

things. He pointed out that public buildings should set the standard in the community, because public buildings are an investment in the future. He referred to the Post Office and noted that it is an iconic building in this City. He stated that if the City lost that building it would lose part of the community. He explained that he had an article on the "Value of Public Buildings".

Mayor Steger noted that Mr. McMahon had talked about a city that had moved out of its downtown area and built a cheap city hall. She requested to know the importance of a city hall being in a downtown area. Mr. McMahon reminded the City Commission that downtown is the heart and soul of any community. He stated that if you don't have a healthy downtown you don't have a healthy town. He commented that downtown is the mental image that people have of the community and if city hall is in a cheap building on the strip that is going to be people's image of the community. There was a brief discussion about this and the need to differentiate your community from any other community. Mr. McMahon related an example of how image affects economy.

Mayor Steger noted that at last night's meeting there was talk about parking lots on the waterfront and that people don't like walking by parking lots. Mr. McMahon clarified that we need places to park cars, but no one is going to come to downtown Fernandina Beach just to park their car. He referred to the "10 Myths of Downtown Development" and pointed out that one of the myths was that replacing existing buildings with parking lots will bring more shoppers downtown. He stated that parking fronting directly on the streets creates dead spaces along the streetscape and are visually unattractive. He commented that most places there is an abundance of parking and only about 58% of parking spaces in Jacksonville are occupied. He explained that the problem is access and knowledge of location. He provided further comments and examples about parking and buildings that are like a dead space with blank walls. He stated that the City has to find ways to animate downtown (i.e. sidewalk cafes, having a few things on the sidewalk, pictures/art work in vacant store fronts). Mayor Steger inquired how to convince people that parking lots are not that important to a downtown. Mr. McMahon suggested taking a picture of the parking lots to see how many cars are actually parked in them during a typical day. He briefly explained an idea to have an interactive fountain downtown as something for families to bring their children to. He stated that activity centers are important and a library brings hundreds of people downtown everyday. He pointed out that libraries are becoming more important as multi-media centers. He provided further clarification of having activity centers and focal points to draw people. He also provided comments about density and having good design to have people both living and working downtown. He clarified the idea of having shared parking.

Commissioner Filkoff questioned if these cities had outside help in their visioning. Mr. McMahon replied yes and no. He stated that you don't necessarily need outside help, but the one advantage of outsiders is the fresh set of eyes/perspective. He commented that this is a community with an enormous number of talented people and he wouldn't always say you have to have an outsider. He explained that consultants can be helpful to kick start things, but no one knows the town as well as the citizens do.

Commissioner Childers pointed out that the City has tax incentives for improvements within the Historic District. He stated that the City was dealing with increasing the density downtown to draw people downtown. He commented that the City's entryway leaves a lot to be desired and noted that the City should meet with the County to come up with a way to take care from the City boundary to the bridge. He questioned if there was any glaring deficiency that stands out that the City can address. Mr. McMahon stated that he didn't look at that closely, but there was nothing glaring. He commented that what hit him was that it wasn't until you get almost into town the entryway into town looks pretty much like the entryway into any other town. He referred to the City of Fairhope and briefly explained that they

had a highway 98 committee that over the last 20 years planted Crepe Myrtles and Live Oak trees as well as having ordinance to protect large trees.

Mayor Steger referred to the City's Post Office dilemma and noted that post offices are important to downtown. She inquired how to respond to those that say that the Post Office is not our problem. Mr. McMahon stated that the Post Office is not the City's problem, but the main street is the City's problem. He commented that if the City can find a plan that most people can be happy with then the City could find a way to finance that plan, but that doesn't always mean it will be on the backs of the taxpayers. There was some discussion about the Post Office noting it needed to be brought up to ADA compliance and needs updated infrastructure. There was also some discussion about changes to downtown density and changes to the makeup of the businesses downtown leaving only bars and restaurants. It was noted that there has to be a way to support local retail.

Mr. Louis Goldman, 20 South 6th Street, commented that our downtown is really one main street. He questioned how far away can City Hall and the library be and still be considered being downtown. He pointed out that our downtown is on the side of the town. Mr. McMahon stated that the ideal main street in terms of walking is probably five blocks. He explained that you have to find a way to get people to mentally think about the downtown as a larger area than just the main street. He commented that a number of communities chain stores are not going out to the strips anymore, but are actually going into downtowns. He pointed out that if there are too many chains then people stop going, because it becomes like everywhere else. Commissioner Childers commented that one of the reasons strip centers are successful is because they are on the way from home to work. He noted that Centre Street has to be more of a destination and the restaurants seem to do pretty good. Mr. Goldman inquired how to get national tenants here. Mr. McMahon explained that national tenants typically don't come unless they feel like there is enough bodies to make it work for them. He noted that nationwide we are littered with vacant strip retail. There was further discussion about the various points raised about successful communities that typically have a lot of density that is a mix of uses.

City Attorney Bach inquired if Mr. McMahon had any experience with redevelopment districts (Community Redevelopment Areas (CRA)). She pointed out that in Florida the area has to meet the definition, have a finding of necessity, and identify properties as blighted or slum. She commented that is a terrible stigma and inquired if there was any advice to sell this to the community. She explained that money from the CRA has to be spent on infrastructure and other improvements in the CRA area. Mr. McMahon pointed out that to get the community to buy into anything the answer is education, education, and more education. He suggested having tours through the second floor of the Post Office once a week to let people to see it. He briefly commented about there being an under supply of walkable housing that is not expensive, which has the opportunity to attract all kinds of people. He stated that if there is housing that appeals to generation "Y" or other groups that would be supplying to a market that hasn't been supplied housing and then the City would have people living downtown.

Commissioner Childers commented that a carrier is coming to Mayport and questioned how to attract those families. Mr. McMahon stated that last night he showed a project from Port Royal South Carolina, which is right outside of Paris Island Marine Corps Base. He explained that a guy built 41 new houses as "The Village at Port Royal" that looked like old houses that weren't expensive. He stated that all 41 houses were sold in 6 months. He provided further comments about this project and another example of an infill project to fill the needs of the market.

Mr. Goldman commented that the City's downtown was done back in the 1980's and inquired if the City should go with what it has and refine it or should the City do a major undertaking to redesign it. Mr.

McMahon stated that he didn't think the downtown needs a major overhaul, but it needs to be activated with things like tables on the street. He explained that minor things are what the City should be thinking about to activate a street, and tweaking what the City has to get more value out of them.

Ms. Suanne Thamm, 404 Broome Street, pointed out that there is a point where your central business district is too oriented toward tourists and not enough toward locals. She stated that with the moving out of the drug store several years ago the City doesn't have a downtown that is geared at all toward people that live here. She inquired how to affect the business mix when you can't tell a business person what to sell. Mr. McMahon suggested inviting Kennedy Smith, former director of National Main Street Center and Don Richma, an economic development downtown person. He also suggested to make it easier to put a business in downtown and make it harder to put a business where the City doesn't want it. After a brief discussion about parking, Mr. McMahon explained that he would not encourage the City to close off the street to traffic. He stated that there are only a few downtown pedestrian malls in America that work, and the things that those towns have in common is that they are university towns with thousands of young people right next to the pedestrian mall. There was some discussion that part of the Main Street program is that it has a downtown person whose job it is to make sure that the downtown stays healthy. It was noted that Ms. Thamm put together a database of property owners in the central business district and most of the buildings are owned by people who don't necessarily live in this community.

Mayor Steger pointed out that the City has bed and breakfast inns that border downtown and the Historic District. She commented that she was concerned about the hotels and tourist type activity taking over the downtown. She expressed her opinion that residential living is so much better. Mr. McMahon stated that the City was lucky to have a downtown hotel. He commented that if he had a choice he would say the City needs more downtown housing rather than downtown lodging. He explained that he would find ways to incentivize housing. There was some discussion about this noting that the housing would be second homes if they were all high end and that is why the City has to figure out how to get people to think about building homes for the local market. It was noted that in Maryland the transportation department has invested money in public transportation as well as buying down the cost of land next to their transit system. Mr. McMahon stated that there are different things the City can do to help make the numbers work to get the types of things the City wants. Commissioner Filkoff noted that there has to be a balance, because if there isn't any public transportation there is an issue. The City Commission thanked Mr. McMahon for the information that he provided.

ADJOURNMENT: There being no further business to come before the Commission, the meeting was adjourned at 8:38 am.

ATTEST:

MARY L. MERCER
City Clerk

SUSAN HARDEE STEGER
Mayor-Commissioner

The City Commission of the City of Fernandina Beach, Florida, met in a Regular Meeting on Tuesday, July 19, 2016 at 6:00 pm in the City Commission Chambers. Present were Mayor John A. Miller presiding, Vice-Mayor Robin Lentz, Commissioners Len Kreger, Tim Poynter, and Roy G. Smith. Also present were City Manager Dale L. Martin, City Attorney Tammi Bach, and City Clerk Caroline Best.

Mayor Miller called the meeting to order and led the Pledge of Allegiance to the Flag. The invocation was then given by Police Department Chaplain Don McFadyen.

4.1 PROCLAMATION – AMELIA COMMUNITY THEATRE’S 35TH ANNIVERSARY: Mayor Miller read the Proclamation in full recognizing the Amelia Community Theatre for providing 35 years of award winning and outstanding live theatre in Fernandina Beach and presented a copy to representatives from the Amelia Community Theatre. Thanks were expressed for the Proclamation and the members of the community that have loyally supported Amelia Community Theatre for 35 seasons.

AGENDA CHANGES: City Attorney Bach explained item 7.1 (Ordinance 2016-18) was removed from the agenda to have more time to work with the County regarding enforcement of the beach debris ordinance. She noted the newspaper had an advertisement for Ordinance 2016-i2 for second and final reading, but it was not on this agenda. She pointed out the City was still waiting for the State to give their feedback so Ordinance 2016-12 would be scheduled for second reading probably in September. Mayor Milled noted that item 4.3 Advanced Disposal presentation was removed from the agenda at this time.

4.2 PRESENTATION – COMMUNITY REDEVELOPMENT AREA (CRA) UPDATE: CRA Advisory Board Chair Arlene Filkoff reported the City Manager was invited to the last CRA Advisory Board meeting to provide an update from anything that started from the joint workshop with the City Commission. She stated the board was pleased to hear there was action on most of their primary recommendations. She briefly explained how it was nice to see the board’s work going forward and expressed her thanks for seeing things happen. She pointed out staff requested assistance with reformatting the current CRA plan, which is written in planner’s speak so there wasn’t a lot the average person could pick up and understand. She requested the City Commission consider during the budget discussion whether more work should be done in analyzing the CRA properties, specifically those that are private property today. She pointed out discussions continue regarding the waterfront lots north of Centre Street, and those properties come under a great deal of regulation from many agencies. She requested guidance from the City Commission during their planning discussions regarding what they want to see as far as analysis of those properties by a citizen’s committee. She commented the board has talked about the possibilities of the Executive Director of the Main Street Program managing the plan to make sure things are happening.

4.3 PRESENTATION – ADVANCED DISPOSAL: This item was removed from the agenda.

4.4 BUDGET SUMMARY: Commissioner Kreger commented it appeared all the funds the revenues were above the expenditures with the exception of the electric franchise fee, which is down. Controller Patti Clifford stated that was adjusted downward for the accrual and staff would keep an eye on it.

4.5 PRESENTATION – PROPOSED FY 16/17 BUDGET: City Manager Martin briefly introduced Ms. Stephanie Morgan, recently hired Airport Manager who was slated to begin work with the City August 15, 2016. The City Commission welcomed Ms. Morgan. City Manager Martin pointed out the budget was emailed to the City Commission and expressed his thanks to Ms. Clifford. He provided a recap of the current budget including the sources of revenue as provided in the PowerPoint presentation, which included a little over \$10 million dollars in property taxes. He pointed out the 2017 taxable value

reflects a 4.7% increase in comparable values as well as \$26 million dollars of new value. He briefly explained the millage rate as well as the rollback rate and the corresponding vote needed for approval. He stated the proposed budget was to maintain the same total millage that was currently levied (6.3044) and at 96% collection would generate \$10.9 million dollars (\$414,000 more than the rollback rate). He explained the impact was approximately a \$30 increase for each \$100,000 of taxable value. He presented a slide showing the proposed budget of \$115 million dollars. He pointed out critical in the formation of the budget was the City Commission's goals set as part of Resolution 2016-51 (open Alachua Street, enhance beach safety, improve stormwater management, install soccer field lights, increase downtown residential density, and solicit accessibility recognition). He explained to enhance the level of service the City currently offers related to the ongoing growth and development staff has proposed 8 additional full-time positions (2 Police Department, 2 Fire Department, 2 Streets Department, and 2 Community Development). He pointed out there has been reorganization of senior staff with the transition of Mr. McCrary to the Community Development Director and the hiring of the Project Manager. He stated building department revenues from permits and other fees are restricted, and those can only be used within the Building Department. He also explained the addition of 2 stormwater employees, 1 water employee, and 1 Airport employee. He stated the City has some sizable grants to pursue and staff was asked to explore expanding the sanitary sewer system to areas that do not currently have City sanitary sewer. He pointed out the City supports the underperforming components of the Golf Course and the Marina (approximately \$1/2 million dollars of transfers), and both are trending in the right direction. He provided a recap of the capital improvement/expansion fund projects proposed. He reminded the City Commission a budget Special Meeting was scheduled for next week to set the proposed millage rate and then there would be Workshops in August as well as discussions with the Controller and himself. He stated the budget hearing and reading of the millage rate was tentatively scheduled for September 6th and the budget hearing and approval of the millage rate was scheduled for September 20th. He explained he looked forward to going over the details and getting further direction from the City Commission.

Commissioner Kreger expressed his support of increased staffing in Police and Fire to meet the City's level of service with the addition of new homes. He referred to staffing for Community Development and expressed his hope that it allows the staffing to get ahead with implementation of the Comprehensive Plan.

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

BUILDING PERMITS: Mr. Frank Santry, 105 South 19th Street, referred to an article Mr. Weintraub wrote and expressed his opinion a dangerous misunderstanding was being advanced with respect to City policy that needs correcting. He explained there may be a misunderstanding that the mills are exempt from the requirement of obtaining a building permit for industrial construction. He stated Mr. Weintraub was also being told that legal interpretations regarding that obligation can only be made by a City Building Official and cannot be challenged or corrected by any other City official or representative. He explained he thought both of these positions are wrong legally and represent a danger to public health, safety, and welfare that needs to be addressed. He pointed out industrial construction and activity represents the highest site danger for personal injury and environmental impact to the community. He expressed his opinion that Ordinance 97-4 is contributing to confusion and was completely unnecessary. He stated the State statutory authority that it advanced when it was passed in 1997 has been significantly amended since then, and the successor State law doesn't require a City Ordinance. He requested the City Commission task staff with a review of repealing Ordinance 97-4. He also requested the City Commission have staff determine whether or not the point of view that only a City Building Official can

address what that statute means. He stated if there is such a perception that it be formally corrected by a letter to the mills that they are subject to the full building permit obligations that anyone interested in construction in the City is. He provided further comments in support of his requests. City Attorney Bach explained the City Building Department, the Community Development Department Director, and she met with the mills this week to go over Ordinance 97-4. She stated the mills understand that it is required that they have a building permit. She commented she thought it was a process issue based on 97-4 if there were not permits pulled for certain projects, and that was being corrected. This would be discussed with the City Manager and staff and then it would be brought back to the City Commission for discussion.

6.1 BUDGET AMENDMENT – CAPITAL IMPROVEMENT FUND – RESOLUTION 2016-80 APPROVING AN AMENDMENT TO THE BUDGET FOR THE FISCAL YEAR 2015/2016: According to the agenda support documents, this Resolution approves the transfer of funds from the Reserve account to the Beach Renourishment Construction account. Also increases the total City budget from \$110,311,000 to \$110,475,239. **A motion was made by Commissioner Kreger, seconded by Commissioner Poynter, to approve Resolution 2016-80. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.2 RESOLUTION 2016-81 AUTHORIZING THE AWARD OF RFQ #16-03 TO APPLIED TECHNOLOGY & MANAGEMENT, INC. (ATM) FOR ENGINEERING AND REVIEW OF THE MARINA MOORING FIELD CAPACITY INCREASE PHASE I (b) PROJECT: According to the agenda support documents, this Resolution approves the award of RFQ #16-03 to ATM and authorizes the City Manager to negotiate a contract with ATM in an amount not to exceed \$87,400. City Manager Martin explained this was for the engineering of the expansion of the mooring field from 20 devices to an addition of 79. **A motion was made by Vice-Mayor Lentz, seconded by Commissioner Smith, to approve Resolution 2016-81. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.3 RESOLUTION 2016-82 APPROVING TASK ORDER #2016-01 WITH OLSEN ASSOCIATES, INC. FOR THE NASSAU COUNTY SHORE PROTECTION ALTERNATE RENOURISHMENT PROJECT; AUTHORIZING EXECUTION; APPROVING A BUDGET AMENDMENT FOR UNANTICIPATED GRANT REVENUE AND BEACH CONSTRUCTION PAYMENTS: According to the agenda support documents, this Resolution authorizes Task Order #2016-01 with Olsen Associates, Inc. and approves a transfer of funds from the Reserve account to the Beach Renourishment Construction account. Also increases the total City budget from \$110,475,239 to \$110,486,179. **A motion was made by Commissioner Kreger, seconded by Commissioner Poynter, to approve Resolution 2016-82. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.4 RESOLUTION 2016-83 APPROVING TASK ORDER #2016-02 WITH OLSEN ASSOCIATES, INC. FOR THE NASSAU COUNTY SHORE PROTECTION PROJECT: According to the agenda support documents, this Resolution approves Task Order #2016-02 with Olsen Associates, Inc. for Coastal Engineering Services for Beach Management. **A motion was made by Commissioner Kreger, seconded by Vice-Mayor Lentz, to approve Resolution 2016-83.** Commissioner Kreger pointed out item 6.1, 6.3, and 6.4 relate to beach renourishment. He explained the cost would pretty much match what the Municipal Services Taxing Unit (MSTU) would generate in a year. He commented hopefully the County would approve the MSTU on Monday. He stated half of the amount was a County commitment. Controller Clifford stated one

was a mixture, and the second one was 50/50. **Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.1 FIRST READING OF ORDINANCE 2016-18 CODE AMENDMENT – UNATTENDED PERSONAL PROPERTY LEFT ON CITY BEACHES: *This Ordinance was removed from the agenda to have more time to work with the County regarding enforcement of the beach debris ordinance.*

8.1 BOARD APPOINTMENTS TO THE AIRPORT ADVISORY COMMISSION: According to the agenda support documents, there were two (2) appointments to the Airport Advisory Commission. **A motion was made by Vice-Mayor Lentz, seconded by Commissioner Poynter, to reappoint Mr. Colcord and Mr. McKee. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.2 BOARD APPOINTMENTS TO THE CODE ENFORCEMENT AND APPEALS BOARD: According to the agenda support documents, there were two (2) appointments to the Code Enforcement and Appeals Board. **A motion was made by Commissioner Poynter, seconded by Vice-Mayor Lentz, to reappoint Mr. Kaufman and Ms. Crow. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

9.1 DISCUSSION – DIRECTION – ACTION ITEM - FERNANDINA BEACH LAND BANK: Commissioner Kreger commented there have been recent discussions of protection the island and discussions about private property. He explained what this proposal was asking for was a non-binding referendum to go out and see what the people feel about the establishment of a land bank based on a real estate fee. He stated there are studies that when you reach 10% impervious surface that saltmarsh become at risk in the tipping point. He pointed out there are 1,100 acres in Fort Clinch and the City was aggressive with the Greenway. He explained the process was to use that fee to buy appropriate property. He commented the studies feel you need to maintain 35% of the property to maintain proper wildlife habitat and water quality. He stated 1 acre of forest maintains 800 tons of water. He pointed out the idea was to get public input on where the City wants to move with this. Commissioner Poynter commented his only problem was any new properties being purchased would be assessed to take the responsibility of what the island should be doing as a whole. He pointed out we are trying to get people to invest in the community and questioned if an extra 2% surcharge would be put on people coming here and everyone else gets a pass because they are already here. He explained if the community wants to do this then everyone should pay for it not just the people moving in at a particular moment. Vice-Mayor Lentz inquired if it could be like a MSTU with a fee that would be applied to everyone that lives on the island. There was some discussion about this idea, and whether to have staff come back with more detail. It was noted that ballot language was due by the end of August and it could be done by Resolution. *The consensus of the City Commission was for the City Attorney to research other municipalities and bring back a couple of proposals to the City Commission August 2nd as a discussion item.*

City Attorney Bach commented she knows of this in other states, but she did not know if this was happening in Florida. She stated Florida has strict constitutional requirements for taxes and fees. She pointed out if it is a fee you have to provide a service directly to that fee payer. She explained she would look for ways that the City might be able to do something.

CITY MANAGER REPORTS:

RECYCLING CENTER: City Manager Martin reported a location had been selected for the recycling center that was previously located by the Utility Billing building, and explained it would be relocated to the south side of parking lot B near the Pétanque courts. He stated this was a short term solution while the City proceeds with the rebidding of the solid waste contract. He explained during Pétanque tournaments the recycling containers would be removed.

CONTRACTS: City Manager Martin stated he was working with the City Attorney on a variety of contracts related to stormwater, the kayak launch, and the Marina.

WORKDAY: City Manager Martin explained his monthly workday would be with the Community Development Department tomorrow.

MEETINGS: City Manager Martin commented Commissioner Kreger and he were scheduled to meet with Senator Bean next Tuesday. He stated the City Commission would have a Special Meeting regarding the proposed millage rate next Tuesday evening.

TRIVIA NIGHT: City Manager Martin reminded the community that next Wednesday, July 27th was trivia night at the Golf Course.

CONFERENCE: City Manager Martin explained the Florida League of Cities conference was August 18th through August 20th.

CITY ATTORNEY REPORTS:

ALACHUA STREET: City Attorney Bach referred to the Alachua Street opening and explained that a Florida Department of Transportation (FDOT) representative was having a meeting on July 27th and hopefully would provide the City an update on July 28th.

THANKS: City Attorney Bach thanked Commissioner Kreger and his wife for all they do for sea turtles. She explained she brought her son out to a nest excavation, and there was one live turtle that was let go.

CITY CLERK REPORTS:

BOARD VACANCY: City Clerk Best explained the Airport Advisory Commission has one board vacancy, and requested that interested parties complete the Advisory Board application on the City's website or stop by the City Clerk's Office.

DEADLINE: City Clerk Best reminded the community that August 1st was the deadline to register to vote or to change party affiliation to be able to vote in the August 30th Primary Election.

MAYOR/COMMISSIONER COMMENTS:

DEADLINE: Vice-Mayor Lentz reiterated what the City Clerk said about the August 1st deadline, and reminded the community to get out and vote on August 30th.

CONDOLENCES: Vice-Mayor Lentz extended her condolences to the Dubberly family and all of those at the Port for their loss last week.

TRIVIA TEAM: Vice-Mayor Lentz explained she would like to form a City Commission trivia team.

TRIATHLON: Vice-Mayor Lentz reported she ran the 10k leg of the triathlon this past weekend. She apologized to Commissioner Kreger about her comments that the road wasn't closed down for that long. She stated that because they had people running both a 5k and a 10k distance they were out there for a great amount of time. She explained after talking with residents in the area one of the problems was the water table on the north end was moved into the street for one of the events, but this time it was moved to the park so traffic was able to flow back and forth. She pointed out the race director gave a strict speak to all the participants for them to be mindful of the cars and neighbors.

BUDGET: Commissioner Poynter commented he can't wait for the details of the budget.

CONDOLENCES: Mayor Miller expressed his condolences to the Dubberly family and the Port.

CONGRATULATIONS: Mayor Miller congratulated and thanked Mr. Ted Kostich on his animal adoption program where he spends his own money for animal adoption event held in Jacksonville where the adoption fee is paid and there are gift cards to local pet stores. He reported they adopted every single cat and dog that was brought there.

ACKNOWLEDGEMENT: Mayor Miller referred to the recent horrible events around the country and requested while you are out and about to please acknowledge our first responders. He stated shake their hands when you see them in public or give them a wave, because it goes a long way. He thanked the Police Department for everything that they do.

ADJOURNMENT: There being no further business to come before the City Commission, the meeting was adjourned at 6:59 pm.

ATTEST:

CAROLINE BEST
City Clerk

JOHN A. MILLER
Mayor-Commissioner

RESOLUTION 2016-93

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, APPROVING THE EXTENSION OF WATER SERVICES OUTSIDE THE CORPORATE LIMITS; ACCEPTING THE VOLUNTARY ANNEXATION PETITION FOR ONE PARCEL CONTAINING APPROXIMATELY 0.24 ACRES LOCATED AT 1987 SOUTH 8TH STREET; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, property owner LogCo, LLC has completed the City of Fernandina Beach Voluntary Annexation Petition/ Water/Sewer Annexation Agreement Application pursuant to Chapter 171.044, Florida Statutes, for one parcel containing approximately 0.24 acres located 1987 South 8th Street (Parcel ID Number: 00-00-30-0120-0004-0000); and

WHEREAS, staff has determined the request is consistent with the City's Municipal Code Sections 82-44 and 82-403, its Comprehensive Plan, and Land Development Code; and

WHEREAS, the City Commission has determined that it is in the best interest of the City to provide water services to the subject property.

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

SECTION 1. The City Commission hereby authorizes the extension of water services to the property owner identified, whose property is located outside the corporate limits of the City at 1987 South 8th Street and noted as parcel 00-00-30-0120-0004-0000, and approves the Voluntary Annexation Petition, attached hereto as "Exhibit 1".

SECTION 2. The City Commission authorizes the City Manager and the City Clerk to execute said petition on behalf of the City of Fernandina Beach.

SECTION 3. The City Clerk is hereby directed to record the petition in the public records of Nassau County, Florida, as required by Ordinance 2001-01.

SECTION 4. This Resolution shall be effective immediately upon passage.

ADOPTED this 16th day of August, 2016.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Commissioner - Mayor

APPROVED AS TO FORM AND LEGALITY:



TAMMI E. BACH
City Attorney

ATTEST:

CAROLINE BEST
City Clerk

OFFICE USE ONLY

REC'D: 7/25/2016 BY: JMM

PAYMENT: \$ 300.00 TYPE: _____

APPLICATION #: 2016-0001142

CASE #: _____

CC MEETING DATE: 8/16/16



WATER/SEWER & VOLUNTARY ANNEXATION APPLICATION

APPLICANT INFORMATION

Owner Name: Log Co LLC

Mailing Address: 1987 S. 8th St. Fernandina FL 32034

Telephone: 904 624 7003 Fax: 904 212 1284

Email: JLogsdon@DaniaExpressCare.com

Agent Name: Sach Logsdon

Mailing Address: SAME AS ABOVE

Telephone: _____ Fax: _____

Email: _____

PROPERTY INFORMATION

Street Address: SAME AS ABOVE

Parcel Identification Number(s): 2 1/2 00-00-30-0120-0004-0000

PROJECT INFORMATION

Total Number of Lots/Parcels: 2 1/2

Less than One (1) acre Sq. Footage: 0.24 One (1) Acre or Greater: _____

Existing Zoning Classification: 4- ISLAND

Existing Future Land Use Classification: 001900

Description of Request: WANT to hook up City Water

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

7-18-2016
Date

[Signature]
Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss



Subscribed and sworn to before me this 18th day of July, 2016

[Signature]
Notary Public: Signature

Melissa Brown
Printed Name

march 21, 2020
My Commission Expires

Personally Known _____ OR Produced Identification ID Produced: FL DL
DL FL - [Redacted]



**OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION**

I /WE Loglo LLC
(print name of property owner(s))

hereby authorize: Jack Logsdon
(print name of agent)

to represent me/us in processing an application for: Annexation
(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]
(Signature of owner)

(Signature of owner)

Jack Logsdon
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
 } ss
COUNTY OF NASSAU }



Subscribed and sworn to before me this 18th day of July, 2016.

M. Brown
Notary Public: Signature

Melissa Brown
Printed Name

March 21, 2020
My Commission Expires

Personally Known _____ OR Produced Identification ID Produced: DL-FL
DLFL - [Redacted]

CITY OF FERNANDINA BEACH
VOLUNTARY ANNEXATION AGREEMENT / PETITION FOR ANNEXATION

THIS VOLUNTARY ANNEXATION AGREEMENT / PETITION FOR ANNEXATION dated this 18 day of July, 2016 by and between the CITY OF FERNANDINA BEACH, a municipal corporation, (hereinafter referred to as "City"); and Loglo LLC (hereinafter collectively referred to as the "Applicants").

WHEREAS, this Annexation Agreement/ Petition for Annexation (hereinafter referred to as "Agreement") shall be considered entered into upon execution, where the actual annexation of land shall occur once the subject property becomes contiguous to any boundary demarking the incorporated area of the City of Fernandina Beach and upon the execution of an Ordinance by the City Commission of the City authorizing and approving the execution of such annexation, consistent with the mutual promises, covenants and acknowledgments agreed to by the City Commission and the Applicants, as contained in this Agreement; and

WHEREAS, the Applicants collectively, are the owners of record of the parcel of land known and described as follows, comprising the property which is the subject of this Agreement (the "Property"):

PARCEL ID#: 00-00-30-0120-0004-0000

GENERALLY DESCRIBED AS: ASKINS S POINTS

ADDRESSED AS: 1987 S. 8th St

See Attached Exhibit "A"

WHEREAS, the covenants and acknowledgments contained herein have been made in consideration of annexation into the City of Fernandina Beach of the above described Property; and

WHEREAS, it is the desire of the City to provide for appropriate use of the Property; and

WHEREAS, the Applicants are willing to have the Property annexed to the City and the City desires and believes that it would be in the best interest of the City to annex the Property, which is located outside the corporate limits of the City in Nassau County, Florida, at such time as the Property become contiguous; and

NOW, THEREFORE, in consideration of the mutual promises, covenants and acknowledgments stated herein, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. **Effective Date:** This Agreement shall become effective upon execution.
2. **Execution:** The parties hereto agree to execute any and all such documents as are reasonably necessary to carry out the terms and provisions of this Agreement.
3. **Binding Effect:** The parties hereto do covenant and agree that this Agreement and its Exhibits, shall be binding on their successors and assigns, including the political subdivisions as the City of Fernandina Beach.
4. **Water and/or Sanitary Sewer:** The Applicants shall be permitted to tap into the City's water and/or sanitary sewer system at a point determined by the City. The Applicants shall also be responsible for payment to the City of any and all applicable fees that are assessable under City Ordinance and State Law.

5. Land Use and Zoning: Upon Annexation of the Property, and until the adoption by the City Commission of the City's Comprehensive Plan and zoning district for the Property, the Comprehensive Plan (including future land use) and zoning ordinances and regulations shall remain in full force and effect for the Property, and shall be enforced by the City. The City shall adopt the future land use designation and zoning district for the Property that most closely approximate to the current Nassau County future land use designation and zoning district for the Property regarding allowable uses and development standards.

6. Governing Law: The laws of the State of Florida shall govern the interpretation, validity and construction of the terms and provisions of this Agreement. If any term or provision of this Agreement is declared illegal or invalid for any reason by a court of competent jurisdiction, the remaining terms and provisions of this Agreement shall, nevertheless, remain in full force and effect.

7. Entire Agreement: The parties hereto acknowledge that this Agreement constitutes the sole agreement between the parties; that all prior proposals and agreements, whether oral or written, are hereby superseded; and that this Agreement may not be changed, altered or modified except in writing and signed by the parties hereto. The parties hereto further acknowledge that, in entering into this Agreement, each party has not been induced by, has not relied upon, and has not included as part of the basis of the bargain herein, any representation or statement, whether expressed or implied, made by any agent, representative or employee, which representation or statement is not approved by the other at any public hearing or work session of the City Commission or otherwise made as part of the official public record in the proceedings related to this Agreement. This Agreement binds the Applicants' Property to being annexed into the City once the Property becomes contiguous to any boundary demarking the incorporated area of the City of Fernandina Beach and upon the execution of an Ordinance by the City Commission of the City authorizing and approving the execution of such agreement, consistent with the mutual promises, covenants and acknowledgments agreed to by the City Commission.

8. Default: In the event either of the parties default in the performance of the obligations set forth in this Agreement, then the other may, upon notice to defaulting party, allow the defaulting party sixty (60) days to cure the default or provide evidence to the non-defaulting party that such default will be cured in a timely manner if it cannot be cured during said period. If the defaulting party fails to cure such default or provide such evidence as provided above, then, with notice to defaulting party, the other party may begin proceedings to require specific performance of this Agreement or bring suit for damages for breach of the Agreement. The prevailing party shall be entitled to a reasonable attorney's fee for having brought such action.

8. Recording: This Agreement shall run with the land and a copy of this Agreement for Annexation shall be filed and recorded by the City Clerk's Office with the Nassau County Clerk of Circuit Court.

IN WITNESS WHEREOF, the City and Applicant(s) have caused this instrument to be executed by their respective proper parties duly authorized to execute the same on the day and the year first above written.

CITY OF FERNANDINA BEACH

ATTEST:

DALE L. MARTIN
City Manager

CAROLINE BEST
City Clerk

APPROVED AS TO FORM AND LEGALITY:

TAMMI E. BACH
City Attorney

APPLICANT(S)

By: [Signature]
Applicant

By: _____
Applicant

STATE OF FLORIDA
COUNTY OF Nassau

Sworn and subscribed before me this 18th day of July, 2016

[Signature]
Signature of Notary

My Commission Expires: March 21, 2020

Type of Identification Produced FL - [Redacted]



RESOLUTION 2016-94

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING PASSERO ASSOCIATES, LLC'S WORK ORDER 16-74 FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FUNDED DESIGN AND CONSTRUCT NEW TERMINAL PROJECT AT THE FERNANDINA BEACH MUNICIPAL AIRPORT; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission approved Joint Participation Agreement #427248-1-94-16 with FDOT to receive a grant of \$550,000 via Resolution 2015-124 on September 1, 2015; and

WHEREAS, Passero Associates, LLC is proposing Work Order 16-74 in the amount of \$17,850 to prepare the Federal Aviation Administration's (FAA) Environmental Assessment required in advance of physical development within the North Terminal Area including the Welcome Center; and

WHEREAS, FDOT will reimburse 80% of the Work Order cost and the Airport Fixed Base Operator will reimburse the other 20%; and

WHEREAS, this project is included in the Fiscal Year 16/17 Capital Improvement Plan and funds have been budgeted in the Airport Improvements account #420-4200-542.6300.

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

SECTION 1. The City Commission hereby approves Passero Associates, LLC's Work Order 16-74, attached hereto as Exhibit "A", to prepare the FAA's required Environmental Assessment for the FDOT Design and Construct New Terminal project at the Fernandina Beach Municipal Airport.

SECTION 2. The City Manager and City Clerk are hereby authorized to execute Work Order 16-74 with Passero Associates, LLC upon review of the City Attorney.

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

ADOPTED this 16th day of August, 2016.

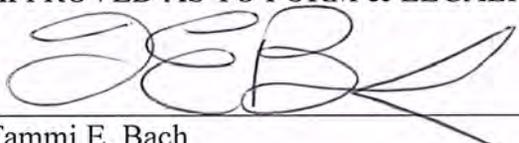
CITY OF FERNANDINA BEACH

John A. Miller
Commissioner - Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Caroline Best
City Clerk



Tammi E. Bach
City Attorney

City of Fernandina Beach



Fernandina Beach Municipal Airport (FHB)

Phase I Environmental Site Assessment & FAA Environmental Assessment (Form) for North Terminal Area Development

By

Passero Associates, LLC

(Passero Project No. 99000047.0074)

Work Order 16-74

Work Order 16-74
North Terminal Area Development - Phase I Environmental Site Assessment and
FAA Environmental Assessment (Form)
Fernandina Beach Municipal Airport (FHB), Fernandina Beach, FL

PASSERO ASSOCIATES, LLC (Passero or Consultant) agrees to perform the following services, in accordance with the terms and conditions of this Work Order and the Master Consulting Services Agreement with the City of Fernandina Beach (Client or City), dated June 3, 2008, all of which terms and conditions are incorporated herein by reference:

Project Location: Fernandina Beach Municipal Airport, Fernandina Beach, Florida.

Project Description: In advance of future physical development within the North Terminal Area (and the Welcome Center) of Fernandina Beach Municipal Airport, an environmental review and assessment of the project area(s) is both prudent and required (by the FAA). This project will involve the preparation of a Phase I Environmental Site Assessment and completion of the FAA's Environmental Assessment (EA) Form, including specific review of environmental impact categories assigned by the FAA. (See project sketch (11.7 acres), for overall project area.)

Scope of Basic Services: Prepare the FAA's Environmental Assessment (EA) Form, addressing specific environmental impact categories; Coordinate draft EA form with the FAA; provide 30-day public review and public hearing, as needed. Note: A sample (incomplete) EA form is attached to this Work Order. Provide overall preparation and coordination of the EA Form and process, including special services, below.

Scope of Special Services: Conduct Phase 1 Environmental Site Assessment (by MAE); Conduct preliminary assessment of Wetland and Protected Species (by ERS). Provide written documentation of special service tasks within the EA Form.

Client Manager / Project Coordinator: Robert Kozakoff, Airport Operations Manager

PA Program Manager: Andrew Holesko, CM, Program Manager / Senior Planner.

PA Project Manager: Andrew Holesko, CM, Program Manager / Senior Planner.

Basic Services Compensation and Method of Payment: Not-to-Exceed (Passero): \$ 9,000.00

Special Services Compensation and Method of Payment: Not-to-Exceed (MAE): \$ 2,850.00
Not-to-Exceed (ERS): \$ 6,000.00

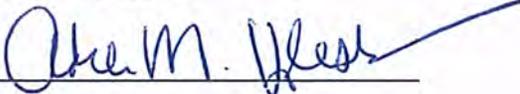
Total Project Cost: Not-to-Exceed (Total): \$ 17,850.00

Schedule and Meetings: As presented and assigned by the City.

Deliverables: 1. Completed FAA-EA Form, Phase I Environmental Site Assessment, Wetland and Protected Species Survey.
2. Public Notice of Draft FAA EA Form, including public hearing, as needed.

"Consultant"
Passero Associates, LLC

"Client"
City of Fernandina Beach

BY: 

BY: _____

Andrew Holesko
Typed Name

Dale L. Martin
Typed Name

Title: Vice President

Title: City Manager

ATTEST:

ATTEST:

BY: 

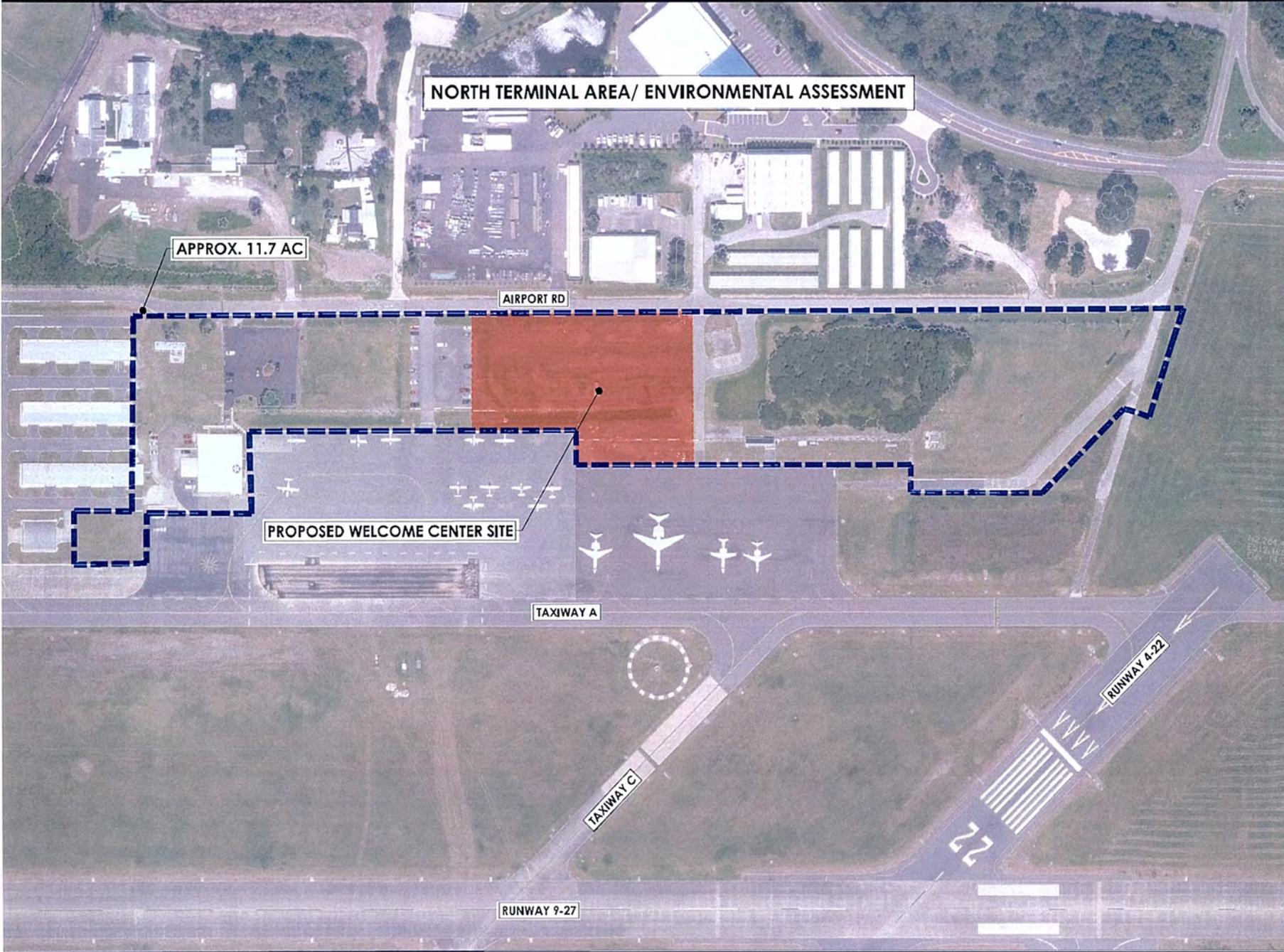
BY: _____

Mary Gniech, Contract/Gr. Admin.
Name, Title

Name, Title

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY



PASSERO ASSOCIATES
 Engineering • Architecture
 www.passero.com



REVIEW SET

Stamp:

Property Owner:
City of Fernandina Beach
 Fernandina Beach Municipal Airport
 700 Airport Road
 Fernandina Beach, Florida 32034

Tenant/Client:

Passero Associates
 13015 Main Street (305) 977-6038
 Jacksonville, FL 32218 Fax: (305) 977-6037
 Licenses of Architecture & PE
 Principal in Charge: Andrew M. Passero, C.E.M.
 Project Manager:
 Designed By: Mark Jason E. B.T.

Revisions	
No.	Description

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SITE PLAN
NORTH AREA
 Town/City: Fernandina Beach
 County: Nassau State: Florida

Project No:
99047.0000

Drawing No:
1

Date:
JULY, 2016

July 7, 2016



Mr. Michael Cornell
Passero Associates
13453 North Main Street, Suite 104
Jacksonville, Florida 32218

Subject: Proposal for Site Environmental Services
11.7 Acre Developed Parcel
North Terminal Area
Fernandina Beach Municipal Airport
700 Airport Road
Fernandina Beach, Florida 32034
MAE Proposal No. 009516

Dear Mr. Cornell:

MESKEL & ASSOCIATES ENGINEERING, PLLC (MAE) is pleased to present this proposal to provide Phase I Environmental Site Assessment (ESA) services at the subject site.

PROJECT INFORMATION

Based on our meeting on July 5, 2016, MAE understands that a Phase I ESA is needed for a parcel of land, approximately 11.7 acres in area, and developed as parking with four structures. The property is located south of Airport Road and adjacent to Fernandina Beach Municipal Airport located in Nassau County, Florida. The property is not a platted parcel and was defined as a contiguous parcel on an aerial photograph provided by Passero Associates.

PHASE I ENVIRONMENTAL SITE ASSESSMENT

The purpose of the Phase I Environmental Site Assessment is to evaluate the property for the presence or likely presence of any hazardous substance or petroleum products in soil, groundwater, or surface water from on-site and off-site sources. We will perform our study consistent with the standards provided in the American Society for Testing and Materials (ASTM) "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process" (ASTM E 1527-13). As required by the noted standard, our work will be conducted under the responsible charge of an Environmental Professional.

To perform this study, we propose to:

1. Visually inspect the site to identify potential sources of any on-site hazardous substance or petroleum product release.
2. Visually inspect (from curbside) and categorize the use of the adjoining properties as potential off-site sources of hazardous substance or petroleum contamination.



8936 Western Way, Suite 12
Jacksonville, Florida 32256
Phone: (904)519-6990 Fax: (904)519-6992

3. Review records to determine historical ownership, usage, and site development through researching some combination of the Phase I ESA User Questionnaire, city directories, aerial photographs, fire insurance maps, USGS Topographic Maps, and building department records.
4. Review published federal regulatory database records related to potential on-site or off-site sources of hazardous substance or petroleum contamination. Records (or their equivalent) to be reviewed include:
 - a. National Priorities site List (NPL) and Delisted NPL sites;
 - b. Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) and CERCLIS No Further Remedial Action Planned (NFRAP) site list;
 - c. Resource Conservation and Recovery Act (RCRA) Generators facilities list;
 - d. RCRA CORRACTS facilities list;
 - e. RCRA non-CORRACTS Treatment, Storage and Disposal Facilities (TSDF) list;
 - f. Institutional control/engineering control (IC/EC) registries (if available); and
 - g. Emergency Response Notification System (ERNS).
5. Review published state, tribal, and local (as applicable) regulatory database records related to potential on-site or off-site sources of hazardous substance or petroleum contamination. Records to be reviewed include:
 - a. Registered Underground Storage Tank (UST) list;
 - b. State equivalent NPL and CERCLIS lists;
 - c. Leaking Underground Storage Tank (LUST) list;
 - d. Solid Waste Disposal/Landfills list;
 - e. Lists of hazardous waste sites;
 - f. Institutional control/engineering control (IC/EC) registries (if available);
 - g. Voluntary cleanup sites (if available); and
 - h. State Designated Brownfield Areas and Brownfield sites with Site Rehabilitation Agreements.

The access and retrieval of any federal, state or local documents related to the scope of work is limited to the availability of records upon request from governmental agencies or commercial sources within the time frame allowed for this project. MAE will make every reasonable effort to obtain this information.

6. Review land title records and environmental cleanup lien records if provided by you or your title company. The user is responsible for providing documentation of reasonably ascertainable recorded land title records and environmental cleanup lien records that are filed under federal, tribal, state, or local law to identify environmental liens or activity and use limitations, if any, that are currently recorded against the property. MAE can provide a lien search for an additional fee.
7. Interview past and present property owners and occupants, the key site manager (if appropriate), and local government officials to the extent they have been identified and are likely to have material information regarding the potential for contamination at the property.
8. Following our site visit, records review, and interviews, a Phase I ESA report will be prepared. The report will include our findings, opinions, and conclusions.

ASSUMPTIONS

It is our understanding that chain-of-title or recorded land title records are not required as a part of this scope of work. In addition, this proposal assumes all services will be performed by MAE and any supplemental fees (i.e. asbestos & lead-based paint surveys) will be 'in addition' to the Phase I ESA, if requested.

Sampling or analysis of soil and groundwater, radon, or controlled substances are not included as part of this investigation. Likewise, the scope of work for this project does not include investigation for the presence of threatened or endangered species, critical habitat, vapor intrusion, or wetlands conditions.

COMPENSATION FOR SERVICES

Based on the scope of the services outlined above, we propose to complete our work for the following fee:

Phase I Environmental Site Assessment (Lump Sum)	\$2,850.00
---	-------------------

A returned copy of the attached authorization sheet will authorize our work. Our work will be performed in accordance with our General Conditions, a copy of which is attached to and made a part of this proposal.

In addition, to proceed with our Phase I ESA study in compliance with ASTM E 1527-13, we will need a completed Phase I ESA User Questionnaire, which we will provide after receiving a notice to precede. We will contact you immediately if, during our study, we encounter any evidence of potential on-site hazardous substance contamination that appears to constitute a health and safety danger.

SCHEDULING AND AUTHORIZATION

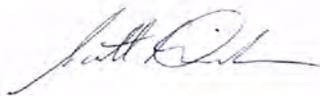
We can initiate our scope of work after receiving notice to proceed. Verbal results can be provided within 3 days after completion of the field drilling portion of the project.

CLOSURE

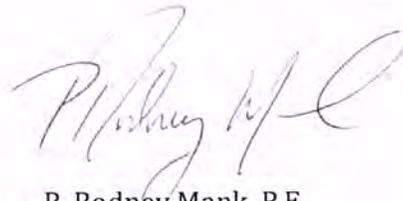
We appreciate this opportunity to provide this proposal for your project. If you have any questions, please contact me.

Sincerely,

MESKEL & ASSOCIATES ENGINEERING, PLLC.



Scott A. Davidson, P.G.
Director of Environmental Service



P. Rodney Mank, P.E.
Principal Engineer

Distribution: Mr. Michael Cornell – Passero Associates

One (1) e-mail copy



11 July 2016

Mr. Andrew Holesko
Vice President
Passero Associates, LLC
13453 N. Main Street, Suite 104
Jacksonville FL 32218

**RE: Fernandina Beach Municipal Airport, North Area: Preliminary Environmental Assessment
ERS Proposal No. P16114**

Dear Mr. Holesko:

Environmental Resource Solutions, Inc. (ERS) is pleased to provide the attached proposal for the referenced project Fernandina Beach Municipal Airport. Specifically, our services include conducting a protected species assessment and providing Environmental Assessment (EA) support.

ERS welcomes the opportunity to continue to work with Passero Associates, LLC. Please call me if you have any questions or require additional information.

Sincerely,

ENVIRONMENTAL RESOURCE SOLUTIONS, INC.

A handwritten signature in blue ink, appearing to read 'Kim M. Allerton', with a long horizontal flourish extending to the right.

Kim M. Allerton
President

Attachment

(KMA/P16114_Holesko)

Environmental Resource Solutions, Inc.

Jacksonville Headquarters:
8711 Perimeter Park Blvd., Suite 1, Jacksonville, Florida 32216
T: (904)-285-1397, F: (904) 285-1929
Email: mail@ersenvironmental.com

SW Florida Regional Office:
19607 Lake Osceola Lane, Odessa, Florida 33556
T: (813) 404-3963
Email: sbrammell@ersenvironmental.com

PROPOSAL/CONTRACT
Prepared for:
Andrew Holesko
Passero Associates, LLC
13453 N. Main Street, Suite 104
Jacksonville FL 32218

11 July 2016

**RE: Fernandina Beach Municipal Airport, North Area: Preliminary Environmental Assessment
ERS Proposal No. P16114**

Environmental Resource Solutions, Inc. (ERS) will assist Passero with the following tasks related to the 11.7-acre North Terminal Area improvements at Fernandina Beach Municipal Airport.

Task 1 – Wetlands and Protected Species Assessment. ERS will conduct a field assessment of the proposed 11.7-acre North Terminal Area (provided by Passero) for purposes of identifying jurisdictional wetlands or surface waters regulated by St. Johns River Water Management District (SJRWMD) and the U.S. Army Corps of Engineers (USACE) and potentially occupied gopher tortoise (*Gopherus polyphemus*) habitat and any other signs of state or federally-listed species. ERS will approximate the extent of jurisdictional wetlands (if present) on an aerial photograph. If potentially occupied gopher tortoise burrows are identified, ERS will utilize a Global Positioning System (GPS) to plot the location of the gopher tortoise burrow(s).

Following completion of the field work, ERS will prepare a report detailing all findings and the permitting implications of regulated resources (wetlands or wildlife). Graphics depicting the approximate location of jurisdictional wetlands/surface waters and/or protected species will be included in the brief written report.

Task 1 Fee.....\$2,000.00

Task 2 – Environmental Assessment (EA) Support. ERS will assist Passero & Associates with the completion of an EA Form. The EA will fulfill the National Environmental Policy Act (NEPA) requirements for these proposed improvements.

AFFECTED ENVIRONMENT

ERS will assist Passero in the preparation of the Affected Environment section of the EA. ERS will review existing data related to endangered and threatened species, biotic communities, water quality and wetlands. ERS will document the existing conditions, related to the aforementioned resources, within the immediate vicinity of the Proposed Action. ERS will collect necessary data to prepare this information. ERS will work with Passero to refine this information throughout the draft, administrative draft, and final EA process.

Environmental Resource Solutions, Inc.

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8711 Perimeter Park Blvd., Suite 1, Jacksonville, Florida 32216
T: (904)-285-1397, F: (904) 285-1929
Email: mail@ersenvironmental.com

SW Florida Regional Office:
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T: (813) 404-3963
Email: sbrammell@ersenvironmental.com

ENVIRONMENTAL CONSEQUENCES

ERS will assist Passero with the documentation of potential impacts to resource categories listed within this task. Specific impact category information will be developed to determine if the Proposed Action or No Action may cause significant impacts, directly, induced, or cumulatively. As necessary or if applicable, a description of mitigation to reduce potential impacts will be included. ERS will work with Passero to refine this information throughout the draft, administrative draft, and final EA process.

Fish, Wildlife, and Plants

Based on the information provided in the Affected Environment (Task 1), ERS will provide a description of the Proposed Action's potential impacts to fish, wildlife, and plants. ERS will describe impacts to biotic communities associated with the development of the Proposed Action. ERS will develop a "Likelihood of Occurrence" table for all state and federally-listed plant and animal species that may occur within Putnam County. Potential impacts to listed species with moderate to high potential for occurrence, or that have been observed on site, will be described along with any mitigation or best management practices necessary to reduce impacts below significance thresholds or to meet state or federal agency requirements.

Other Environmental Categories

Due to the nature of the Proposed Action, it is anticipated that potentially significant environmental impacts would **not** occur in the following environmental categories:

- Air Quality;
- Compatible Land Use;
- Department of Transportation Section 4(f);
- Farmlands;
- Floodplains;
- Hazardous Materials, Pollution Prevention, and Solid Waste;
- Noise;
- Secondary (Induced) Impacts;
- Socioeconomic, Environmental Justice, and Children's Health and Safety Risks; Wetlands; and
- Wild and Scenic Rivers.
-

These environmental categories, as listed within FAA Order 1050.1E, Appendix A, are not anticipated to be affected as a result of the Proposed Action. ERS will prepare a brief statement describing the lack of potential impact to each of these environmental categories.

Task 2 Fee (not-to-exceed).....\$4,000.00*
***As needed (if required)**

Environmental Resource Solutions, Inc.

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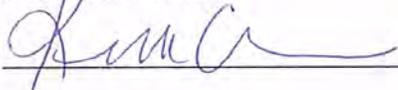
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T: (813) 404-3963
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Meetings/Consultation. Any requested meetings or consultation that are beyond the scope of services as described above will be invoiced on a time and materials basis at standard hourly rates (see attached fee schedule).

ERS is pleased to provide you with these services. Our invoices are prepared monthly on a percent complete basis. Payment is due within 30 days of receipt of invoice. Both parties agree to resolution of any disputes within a Duval County, Florida court. This serves as an agreement between Environmental Resource Solutions, Inc. and the below signatory. If the client's account, after default, is referred to an attorney or collection agency for collection, client shall pay all of ERS expenses incurred in such collection efforts including, but not limited to court costs and reasonable attorneys' fees. Please sign this proposal and return a copy to our office.

We look forward to working with you.

TERMS ACCEPTED:

BY: 

BY: _____
(Signature)

(Printed/Typed)

FOR: ENVIRONMENTAL RESOURCE SOLUTIONS, INC.

FOR: _____

DATE: 11 July 2016

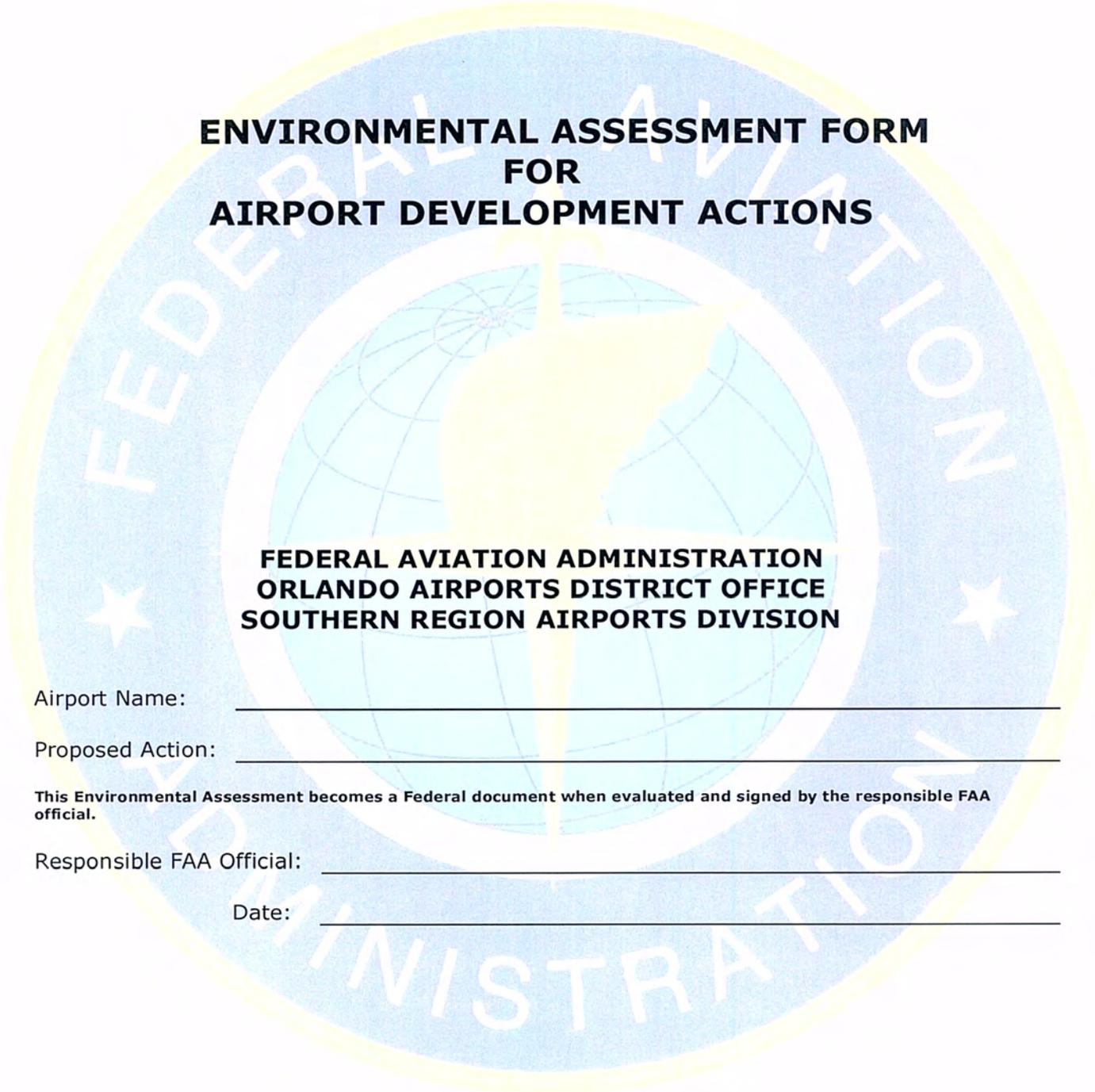
DATE: _____

(KMA/P16114_Holesko)

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**ENVIRONMENTAL ASSESSMENT FORM
FOR
AIRPORT DEVELOPMENT ACTIONS**

**FEDERAL AVIATION ADMINISTRATION
ORLANDO AIRPORTS DISTRICT OFFICE
SOUTHERN REGION AIRPORTS DIVISION**

Airport Name: _____

Proposed Action: _____

This Environmental Assessment becomes a Federal document when evaluated and signed by the responsible FAA official.

Responsible FAA Official: _____

Date: _____



This Environmental Assessment (EA) Form is intended for use in the Federal Aviation Administration (FAA) Orlando Airports District Office (ORL/ADO) only, and with the approval of an ORL/ADO Environmental Protection Specialist (EPS). The Airport Sponsor must discuss the use of this EA Form with an ORL/ADO EPS before beginning the EA scoping and environmental analysis process. An electronic version of this EA Form is available upon request from an ORL/ADO EPS.

APPLICABILITY

The purpose of an EA is to determine whether a proposed action has the potential to significantly affect the human environment (see FAA Order 1050.1F, Paragraph 4-3 for more information on determining significance). An EA is a concise public document that briefly provides sufficient evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significance (FONSI). An EA, at a minimum, must be prepared when the proposed action does not normally require an EIS (see Paragraph 3-13, Actions Normally Requiring an Environmental Impact Statement) and:

- 1) Does not fall within the scope of a Categorical Exclusion (CATEX) (see FAA Order 1050.1F, Paragraph 5-6 *The Federal Aviation Administration's Categorical Exclusions*);
- 2) Falls within the scope of a CATEX, but there are one or more Extraordinary Circumstances (see FAA Order 1050.1F, Paragraph 5-2 *Extraordinary Circumstances*).

See FAA Order 1050.1F, Paragraph 3-1.2. Actions Normally Requiring an Environmental Assessment.



INSTRUCTIONS

Introduction: This EA Form is based upon the guidance in FAA Order 1050.1F – *Environmental Impacts: Policies and Procedures*, and the related publication FAA Order 1050.1F Desk Reference (1050.1F Desk Reference). The Order provides the FAA policies and procedures to ensure agency compliance with the National Environmental Policy Act (NEPA) (42 United States Code [U.S.C.] §§ 4321-4335), the requirements set forth in the Council on Environmental Quality (CEQ), Title 40, Code of Federal Regulations (CFR), parts 1500-1508, *Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act* (CEQ Regulations), and Department of Transportation (DOT) Order 5610.1C, *Procedures for Considering Environmental Impacts*. The CEQ Regulations establish procedures for complying with NEPA. In accordance with 40 CFR § 1507.3 of the CEQ Regulations, the Order contains the FAA’s implementing procedures, which supplement those regulations. The 1050.1F Desk Reference provides details on current guidance and updated technical information. This includes information about permits, licenses, consultations, and other forms of approval or review; up-to-date details on technical information such as FAA-approved tools for analyzing noise and air emissions; overviews of special purpose laws and requirements; and specific responsibilities and guidance for gathering data, assessing impacts, consulting other agencies, and involving the public.

Early Planning: Environmental issues should be identified and considered early in a proposed action’s planning process to ensure efficient, timely, and effective environmental review. Preparation for any applicable permit application and other review process requirements should be part of the planning process to ensure that necessary information is collected and provided to the permitting or reviewing agencies in a timely manner. The Airport Sponsor should identify known environmental impact categories that the Action and alternatives (if any) could affect, including specially protected resources. These tasks should be completed at the earliest possible time during Action planning to ensure full consideration of all environmental impact categories and facilitate the FAA’s NEPA process. Sufficient planning and Action justification must be available to support the environmental review.

*****IMPORTANT*****

The Airport Sponsor must contact their ORL/ADO Program Manager if the Proposed Action is not depicted on the Airport’s conditionally-approved ALP. The ORL/ADO will determine if an update to the ALP is required. If an interim ALP update is required, coordination and approval can take up to 90 days and must be finalized prior to an environmental decision.

A Proposed Action’s pre-application for federal funding (design or construction) must include an environmental finding in accordance with NEPA. Pre-applications are normally due in the ORL/ADO in January in order to receive a grant for the following fiscal year. The Airport Sponsor should allow 6-12 months prior to submitting a pre-application to the ORL/ADO for federal funding to complete the EA process.



1. PROPOSED ACTION LOCATION

Airport Name and Identifier:

Airport Address:

City:

County:

State:

Zip Code:

2. AIRPORT SPONSOR INFORMATION

Point of Contact:

Address:

Business Phone:

Cell:

FAX:

EMAIL:

3. PREPARER INFORMATION

Point of Contact:

Address:

Business Phone:

Cell:

FAX:

EMAIL:

4. PROPOSED ACTION

Describe the Proposed Action with sufficient detail in terms that are understandable to individuals who are not familiar with aviation or commercial aerospace activities. List and describe all components of the Proposed Action including all connected actions. Summarize how the Proposed Action fits into the Airport's ALP. Attach an exhibit of the Airport's conditionally approved ALP depicting the Proposed Action, and an exhibit of the Proposed Action on a recent airport aerial. Summarize costs, including any mitigation costs, if applicable. Discuss how the Proposed Action will be funded. Provide a timeframe identifying when the Proposed Action is to be constructed and operational.

[Empty rectangular box for additional information]



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5. PURPOSE AND NEED

(1) Describe the underlying purpose and need for the Proposed Action. Present the problem being addressed, describe what the Airport Sponsor is trying to achieve with the Proposed Action, and take into account the FAA’s primary mission to provide the safest, most efficient aerospace system in the world. The purpose and need of the Proposed Action must be clearly explained and stated in terms that are understandable to individuals who are not familiar with aviation or commercial aerospace activities. The purpose and need must be supported by recent data. To keep this section brief, incorporate by reference any supporting data, inventories, assessments, analyses, or studies. This can include but is not limited to FAA compliance or standard changes, letters from users showing need per FAA design standards, letters of commitment from current or prospective tenants, based aircraft data, fuel data, scheduled service, critical aircraft needs, TAF and Master Plan forecasts, capacity issues (actual use/need of aircraft or airline, or scheduled commercial service. **IMPORTANT: If the Airport Sponsor intends to request Federal funding, the purpose and need for the Proposed Action must be justified by recent airport planning analysis and concurred with by ADO management before initiating the EA.**

[Empty yellow box]

(2) Identify the Airport Sponsor’s requested FAA Federal action in the space below. For the FAA Office of Airports (ARP), a Federal action may include one or more actions (See FAA Order 5050.4B, Paragraph 9.g.). Note: The information provided in this EA Form allows the FAA to determine if a Finding of No Significant Impact (FONSI) can be issued because the proposed action’s environmental impacts, with no additional mitigation, would not be significant, or a mitigated FONSI can be issued because the proposed action’s environmental impacts, with additional mitigation, would not be significant (see FAA Order 1050.1F, Paragraph 6-2.3a). FAA environmental findings on an Action do not constitute FAA decisions or approvals regarding Federal funding of the Action.

[Empty yellow box]

6. ALTERNATIVES (INCLUDING THE PROPOSED ACTION)

There is no requirement for a specific number of alternatives or a specific range of alternatives to be included in an EA. Alternatives are to be considered to the degree commensurate with the nature of the proposed Action and agency experience with the environmental issues involved. The Sponsor’s preferred alternative, if one has

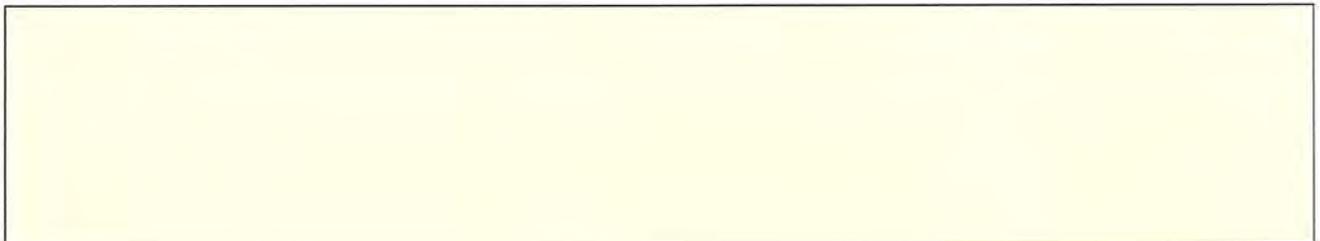


been identified, should be indicated. For alternatives considered but eliminated from further study, the EA should briefly explain why these were eliminated. Note: An EA may limit the range of alternatives to the proposed action and no action when there are no unresolved conflicts concerning alternative uses of available resources. This means that you may limit the range of alternatives to the proposed action and no action if you can establish consensus based on input from interested parties that there are no unresolved conflicts, or if there are no reasonable alternatives that would be substantially different in design or effects. If you are able to do this, you must document the basis for concluding consensus and identify the parties that participated; and, you must discuss why there are no reasonable alternatives that would be substantially different in design or effects. This is why the Purpose and Need is important in helping define the range of alternatives.

(1) Discuss in comparable format to that listed below the Proposed Action and alternatives. Discuss how the Proposed Action and alternatives were developed e.g. recent planning study or Master Plan Update. Attach figures for the Proposed Action and alternatives to aid in understanding the physical layout and differences in the alternative configurations.

For each alternative:

- a. Discuss to what extent an alternative meets the Purpose and Need.
- b. Discuss if an alternative is technically and economically feasible e.g. operational considerations/regulations, safety considerations, constructability, infrastructure requirements, property acquisition requirements, and costs.
- c. Discuss potential social, socioeconomic, and/or environmental resource impacts for each alternative e.g. business or residential relocations, road relocations or closures, environmental resources protected under federal statutes (wetlands, floodplains, and listed species, and Section 4(f), or Section 106 resources).
- d. For each alternative considered but eliminated from further study, summarize why it is not considered reasonable. Note: *To be reasonable, an alternative must respond to the purpose and need, be technically and economically feasible, and be reasonably consistent with the land use plan for management of the area.*



(2) Although the No Action alternative does not meet the purpose and need, NEPA, and it's implementing regulations requires consideration of the No Action alternative. The No Action alternative, when compared with other alternatives, enables the identification of the potential environmental impacts of the Proposed Action and alternatives. Describe the consequences of the No Action alternative e.g. what are the operational, safety, efficiency, economic effects, and environmental effects of taking no action.



[Empty yellow box]

(3) You must provide a summary table depicting the alternatives analysis that compares the Proposed Action, alternatives considered, and the No Action alternative based on the screening criteria discussed in (1) a. through d.

Provide summary table of alternative analysis

[Empty yellow box]

7. AFFECTED ENVIRONMENT

Succinctly describe the existing conditions in the Proposed Action’s *direct impact area* (construction footprint) and airport vicinity (land use and cover, terrain features, level and type of urbanization, biotic resources, noise sensitive sites (residential, churches, schools, parks, recreational facilities, etc.)). This *indirect impact area* should be large enough to include the area within the composite DNL 65 dB noise contour for the Proposed Action and retained alternatives (if any). The discussion of the affected environment should be no longer than is necessary to understand the impacts of the alternatives; data and analyses should be presented in detail commensurate with the importance of the impact. Discuss any actions taken or issues raised by the local community or citizen groups pertinent to the Proposed Action. If not already provided, attach a graphic and recent aerial of the area with the Proposed Action’s and retained alternatives direct and indirect impact areas clearly identified.

[Empty yellow box]

8. ENVIRONMENTAL CONSEQUENCES –IMPACT CATEGORIES

Environmental impact categories that may be relevant to FAA actions are identified below in sections (1) through (14). Construction and secondary (induced) impacts should be addressed within the relevant environmental impact category.. FAA-specific requirements for assessing impacts are highlighted in FAA Order 1050.1F, Appendix B *Federal Aviation Administration Requirements for Assessing Impacts Related to Noise and Noise-Compatible Land Use and Section 4(f) of the Department of Transportation Act (49 U.S.C. § 303)*. Methodologies for conducting the analyses are discussed in detail in the 1050.1F Desk Reference. The latest FAA-approved models must be used for both air quality and noise analysis. A list of approved models for each type of analysis is available in the 1050.1F Desk Reference.

Note: The Desk Reference may be cited only as a reference for the methodologies and processes it contains, and may not be cited as the source of requirements under laws,



regulations, Executive Orders, DOT or FAA directives, or other authorities. It further notes that you should cite the original source when citing requirements from laws, regulations, or other authorities.

FAA Order 1050.1F, paragraph 4-3.3, Significance Thresholds and Exhibit 4-1, provide a significance determination table for the Proposed Action and retained alternatives (if any) based on the analysis in sections (1) through (14) below. Note: Quantitative significance thresholds do not exist for all impact categories; however, consistent with the CEQ Regulations, the FAA has identified factors that should be considered in evaluating the context and intensity of potential environmental impacts.

******IMPORTANT******

Environmental impacts for the following categories must be calculated for the year of project implementation and the planning horizon year in this EA Form. The implementation year represents the first year in which the Proposed Action would be fully operational. The planning horizon year typically represents the implementation year plus five years. Sometimes if appropriate due to project phasing or if requested by a reviewing agency, impact analysis may need to be conducted for intermediate years. Coordinate with an FAA ORL-ADO environmental specialist before conducting an intermediate year impact analysis.

Significance determination table

--

(1) AIR QUALITY

The FAA has a responsibility under NEPA to include in its EA’s sufficient analysis to disclose the extent of a project’s impact on the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and any applicable state air quality standards. Thus, a project’s impact on air quality is assessed by evaluating whether it would cause a new violation of a NAAQS or contribute to a new violation in a manner that would increase the frequency or severity of the new violation. Very small projects sometimes can be evaluated qualitatively or by comparison to a previous project for which a quantitative air quality analysis is available. However, if a project requires the preparation of an EA, it is likely that a quantitative, project-specific air quality assessment would be needed. This can be accomplished by first identifying the emissions sources associated with a project, and then estimating the emissions for each retained alternative. Knowing the emissions may help to characterize a project’s impact for the EA. The FAA’s *Air Quality Handbook* provides information on how to conduct an air quality analysis.

https://www.faa.gov/regulations_policies/policy_guidance/envir_policy/airquality_handbook/

(a) Compared to the No Action alternative, will the Proposed Action or any of the retained alternatives cause or create a reasonably foreseeable increase in air emissions due to implementation? If the action will not cause a reasonably foreseeable emission increase, a *qualitative* air quality assessment is justifiable for disclosure purposes under NEPA. Provide an explanation of the conditions and rationale upon which this finding is based along with any supporting data, reasoning and/or justification. The assessment should explain how or why implementation of the Proposed Action or any of the retained alternatives will not cause or



create a reasonably foreseeable increase in air emissions. **Note:** *Examples of projects and actions that will likely cause or create a reasonably foreseeable increase in emissions include those that will cause or create an increase in aircraft operations and/or ground access vehicle trips. Other projects such as runway/taxiway improvements, roadway modifications, and/or parking facility expansions, may cause or create reasonably foreseeable increases in emissions by changing aircraft and vehicle travel patterns. By comparison, examples of projects and actions that will not likely cause or create increases in emissions include land acquisition programs or the upgrading of airfield lighting systems.*

Discuss the potential for a reasonably foreseeable increase in air emissions:

(b) Is the Proposed Action located in a nonattainment or maintenance area for any of the NAAQS established under the Clean Air Act? **If the Proposed Project is in a nonattainment or maintenance area, identify for what pollutant(s), and do not complete this EA Form without first contacting an ORL-ADO EPS for further guidance.** **Note:** *To review the current list of areas designated nonattainment, see the U.S. Environmental Protection Agency reference book, The Green Book Nonattainment Areas for Criteria Pollutants at www.epa.gov/oagps001/greenbk/.*

Document area status:

(c) If the action is located in an attainment area and will cause a reasonably foreseeable emission increase, you must prepare an emissions inventory for NAAQS priority pollutants and Green House Gases (GHG's) and disclose the results. **You must contact an ORL-ADO EPS before conducting an air quality analysis.** **Note:** *As the Aviation Emissions and Air Quality Handbook explains, there are different types or components of an air quality analysis that can be undertaken depending on project/action type, the change(s) to the emission sources affected, and other relevant factors. There is no single, universal criterion for determining what type of analysis is appropriate for FAA-supported projects or actions. As an aid in selecting the appropriate air quality assessment methodology, see Figure 4-5 (Air Quality Assessment Examples) in the Aviation Emissions and Air Quality Handbook. Figure 4-5 identifies the types of air quality analyses (i.e., emissions inventory, dispersion modeling, etc.) that may be appropriate for FAA-supported projects and actions. Listed by project/action type, each assessment method is generally symbolized as High, Medium or Low in terms of the likely applicability of the analysis to the project/action type. Review the Aviation Emissions and Air Quality Handbook to understand how to prepare the analysis (including selecting the analysis years, identifying the emission types and emission sources of interest, obtaining and/or developing the necessary input data, and running the appropriate models and/or supplemental analyses.*

****IMPORTANT****



As of May 29, 2015, the FAA accepted modeling tool for predicting air emissions is the Aviation Environmental Design Tool (AEDT). The most current version of this model, currently AEDT2b *must* be used for any new analysis started after that date. Please contact an ORL-ADO Environmental Specialist if you have any questions regarding the emissions analysis or the current version of the model to use in your analysis.

Provide the emissions inventory for the No Action Alternative, Proposed Action and Retained Alternatives for the EA Study Years including both direct and indirect emissions that are reasonably foreseeable which includes operational as well as construction emissions.

Discuss the results of the emissions inventory and make a determination if the impacts are considered significant.

(2) BIOLOGICAL RESOURCES (INCLUDING FISH, WILDLIFE, AND PLANTS)

(a) Using the Florida Land Use and Cover Classification System (FLUCCS), provide an assessment of the Proposed Action’s and retained alternatives (if any) direct impact area (construction footprint) and indirect impact area (area indirectly impacted through facility lighting, noise contours, air emissions, and changes to water quality or quantity caused by construction equipment or facility operations). Attach a figure and table (for direct and indirect impact areas) with acreages per land use cover type to assist in the explanation.

Quantitatively discuss potential direct and indirect impacts:

(b) Describe the potential for the Proposed Action and retained alternatives (if any) to result in long-term or permanent loss of plant or wildlife species, to directly or indirectly affect plant communities, and/or involve the displacement of wildlife. Cross reference Category (14) Water Resources, if jurisdictional water bodies or wetlands are present.

Quantitatively discuss potential direct and indirect impacts:

(c) Using U.S. Fish and Wildlife (FWS) and National Marine Fisheries Service (NMFS) flora and fauna species lists for the Action vicinity, describe the potential for the Proposed Action and



retained alternatives (if any) to directly or indirectly affect any federally-listed or candidate species of flora or fauna or designated critical habitat protected under the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), or affect Essential Fish Habitat (EFH) identified under the Magnuson-Stevens Act. You must attach records of consultation with FWS and NMFS, as appropriate, in an appendix to the EA. **Note:** *If the Proposed Action and retained alternatives (if any) would potentially affect federally protected or candidate species, or designated critical habitat, do not complete this EA and immediately contact an FAA ORL-ADO EPS.*

Quantitatively discuss the potential for the Proposed Action and retained alternatives to directly or indirectly impact federally-protected species and designated critical habitat:

(d) Using Florida Fish and Wildlife Commission (FWC) flora and fauna species lists for the Action vicinity, describe the potential for the Proposed Action and retained alternatives (if any) to directly or indirectly affect any state-listed species protected in the State of Florida. You must attach records of consultation with state jurisdictional agencies such as the FWC and Florida Department of Environmental Protection (DEP), as appropriate, in an appendix to the EA.

Quantitatively discuss the potential for the Proposed Action and retained alternatives to directly or indirectly impact state-protected species and designated critical habitat:

(e) Describe the potential for the Proposed Action and retained alternatives (if any) to directly or indirectly affect species protected under the Migratory Bird Act. You must attach a record of consultation with FWS in an appendix to the EA.

Quantitatively discuss the potential impacts:

(f) Discuss any operational, avoidance, minimization or mitigation measures (including construction mitigation measures) that have been considered in the siting of the Proposed Action and retained alternatives (if any) to mitigate impacts to biological resources. Identify all required federal, state or local permits. **Note:** *Analyses for undisturbed areas including water bodies must be conducted in consultation with FWS, other Federal agencies (NMFS, EPA, USACE), and state agencies (DEP, FWC, and water management districts), having expertise on potentially affected biotic resources and their habitats. Federal and state-listed species lists must be consulted and the potential for occurrence in the Proposed Action area must be documented. Include an analysis of construction impacts and measures to avoid and minimize impacts to ensure that this document properly addresses both permanent and temporary, constructed-related impacts on these resources.*

Quantitatively discuss any operational, avoidance, minimization or mitigation measures :

(3) CLIMATE



(a) Affected Environment - For airport actions, the study area is defined by the extent of the project changes (i.e., immediate vicinity of the airport) and should reflect the full extent of aircraft movements as part of the project changes. Consult the FAA's Air Quality Handbook for more information on defining the study area. As explained in the 1050.1F Desk Reference, analysis of GHG emissions should be quantitatively assessed in certain circumstances, but otherwise may be qualitatively assessed. Where the analysis is quantitative, the affected environment section for climate should provide the quantitative data for the existing condition, which provides the baseline of existing GHG emissions in the study area. The affected environment section should also discuss the current level of preparedness in the study area with respect to the impacts of climate change. This involves describing current measures that are in place within the study area to adapt to the impacts of climate change (e.g., sea level rise, stronger or more frequent storms, etc.). This discussion should be concise and may be quantitative or qualitative, depending on the nature of the project area.

Describe the current Climate and level of preparedness conditions in the Study Area:

[Empty text box for climate and preparedness conditions]

(b) Environmental Consequences - If GHG's and climate are not relevant to the Proposed Action and alternative(s) (i.e., because there would be no GHG emissions), this should be briefly noted and no further analysis is required.

Qualitatively discuss the reasons that the Proposed Action and retained alternatives would not affect GHG's or Climate Change:

[Empty text box for reasons of no effect]

(c) Where the Proposed Action or alternative(s) would not result in a net increase in GHG emissions (as indicated by quantitative data or proxy measures such as reduction in fuel burn, delay, or flight operations), a brief statement describing the factual basis for this conclusion is sufficient and no further analysis is required.

Describe the basis for "no-effect" conclusion:

[Empty text box for basis of no-effect conclusion]

(d) Where the Proposed Action or alternative(s) would result in an increase in GHG emissions as compared to the No Action alternative for the same study year, the emissions should be assessed either qualitatively or quantitatively using the methodology described in FAA's 1050.1F Desk Reference, Section 3.3.2 (Data Analysis). **Note:** Contact an ORL-ADO EPS prior to undertaking a quantitative analysis.

Explain

[Empty text box for explanation of increase in emissions]

(e) Documentation - When CO2e is quantified, the metric tonnes (MT) CO2e results should be provided in a table or similar format that compares the alternatives directly. When fuel burn is computed, the MT CO2 equal to that fuel content should be documented and discussed. See Section 3.3.3 of 1050.1F. **Note:** There are no significance thresholds for aviation or commercial space launch GHG emissions, nor has the FAA identified specific factors to consider in making a significance determination for GHG emissions. There are currently no accepted methods of determining significance applicable to aviation or commercial space launch projects given the small percentage of emissions they contribute. CEQ has noted that "it is not currently useful for the NEPA analysis to attempt to link specific climatological changes, or the



environmental impacts thereof, to the particular project or emissions, as such direct linkage is difficult to isolate and to understand." Accordingly, it is not useful to attempt to determine the significance of such impacts. There is a considerable amount of ongoing scientific research to improve understanding of global climate change and FAA guidance will evolve as the science matures or if new Federal requirements are established.

Provide a discussion of the analysis including data tables comparing the No Action and retained alternatives for each study year:

[Empty yellow box for discussion]

(f) Reducing Emissions - Reduction of GHG emissions resulting from FAA actions contributes towards the U.S. goal of reducing aviation's impacts on climate. For NEPA reviews of proposed FAA actions that would result in increased emissions of GHGs, consideration should be given to whether there are areas within the scope of a project where such emissions could be reduced. GHG emission reduction can come from measures such as changes to more fuel efficient equipment, delay reductions, use of renewable fuels, and operational changes (e.g., performance-based navigation procedures). However, GHG emission reduction is not mandated and will not be possible in all situations.

Discuss measures to reduce emissions associated with the Proposed Action:

[Empty yellow box for discussion]

(g) Climate Adaptation - The environmental consequences section should include a discussion of the extent to which the proposed action or alternatives(s) could be affected by future climate conditions, based on published sources applicable to the study area. For example, a project area's ability to sustain impacts caused by climate changes should be described (e.g., identify current robustness and height of seawalls for coastal airports). This discussion should include any considerations to adapt to forecasted climate change conditions.

Discuss potential climate conditions relevant to the Proposed Action:

[Empty yellow box for discussion]

(4) COASTAL RESOURCES

(a) Is the Proposed Action located within the Coastal Barrier Resources System (CBRS), as delineated by the U.S. Fish and Wildlife Service (FWS) Official CBRS maps? If the Proposed Action is located within the CBRS, **do not complete this EA** and immediately contact an FAA ORL-ADO EPS.

Explain:

[Empty yellow box for explanation]

(b) The Florida Department of Environmental Protection (DEP), Florida State Clearinghouse, Office of Intergovernmental Programs, will coordinate a consistency review of the Proposed Action under the following authorities: Presidential Executive Order 12372; § 403.061 (42), Florida Statutes; the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended; and the National Environmental Policy Act, 42 U.S.C. §§ 4321-4347, as amended. The ORL-ADO EPS must review the Draft EA prior to submittal to the Clearinghouse for consistency



review. The Airport Sponsor then submits the Draft EA to the Clearinghouse. Contact the Clearinghouse (850-245-2161) for the required number of copies and format. The Clearinghouse will make a determination of the Proposed Action's consistency with Florida's Coastal Management Program (FCMP) based on information contained in the Draft EA. **Note:** *The FCMP consistency review process normally takes 30 to 45 days and is conducted during the public and agency review of the Draft EA. The Clearinghouse will send a consistency determination letter with state comments to the Airport Sponsor. The Airport Sponsor must include a copy of the consistency letter and the Airport Sponsor's responses to any comments received from state agencies in an appendix to the Final EA submitted to the FAA ORL-ADO.*

Ensure that the Proposed Action is consistent with the enforceable policies of the FCMP (<http://www.dep.state.fl.us/cmp/federal/>). Acknowledge submittal of the Draft EA to the Clearinghouse for review.

(5) DOT SECTION 4(f)

(a) Describe and identify on an attached figure all DOT Section 4(f) resources both on-airport and within the airport's vicinity (or area encompassed by the composite DNL 65 dBA noise contour for the Proposed Action, reasonable alternatives (if any) and No Action alternative). Resources that are protected by Section 4(f) are publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance; and publicly or privately owned land from an historic site of national, state, or local significance. Cross-reference Category (11) Noise and Compatible Land Use, as applicable.

Describe 4(f) resources and attach a figure if applicable:

(b) Compared to the No Action alternative, would the Proposed Action and retained alternatives (if any) have a direct impact (physical use or "taking") or indirect impact (constructive use) on any of any Section 4(f) sites or facilities? To assess constructive use refer to "FAR Part 150, Appendix "A", Table 1, Land Use Compatibility With Yearly Day-Night Average Sound Levels" If **YES, do not complete this EA** and contact the FAA ORL-ADO EPS.

Discuss the results of the analysis:

(6) FARMLANDS--PRIME, UNIQUE OR STATE-SIGNIFICANT FARMLAND

(a) Compared to the No Action alternative does the Proposed Action and retained alternatives (if any) involve the acquisition of Prime, Unique or statewide and locally important farmland, or the conversion/use of these types of farmlands that are protected by the Federal Farmland Protection Policy Act (FPPA)? Contact the Florida Natural Resources Conservation Service (NRCS). For more information see: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/fl/soils/>

If appropriate, attach record of coordination with the Florida NRCS, including a completed Form AD-1006. **Note:** *Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not land used for water storage or urban built-up land. Also, the "Part 523-Farmland Protection Policy Manual"*



notes that lands identified as "urbanized area" (UA) on Census Bureau maps are not subject to the provisions of the FPPA. See <https://www.census.gov/geo/maps-data/maps/2010ua.html> for Census Bureau maps.

Discuss analysis and add tables and graphics as appropriate:

(7) HAZARDOUS MATERIALS, SOLID WASTE, AND POLLUTION PREVENTION

(a) Compared to the No Action alternative, would the Proposed Action and reasonable alternatives (if any) violate applicable Federal, state, tribal or local laws or regulations regarding hazardous materials and/or solid waste management?

Explain:

(b) Compared to the No Action alternative, would the Proposed Action and retained alternatives (if any) involve a contaminated site (including but not limited to a site listed on the National Priorities List)? Describe how the Proposed Action site was evaluated for hazardous substance contamination. Reference electronic database searches and attach in an appendix any record of consultation with appropriate expertise agencies (e.g., US Environmental Protection Agency (EPA), Florida DEP).

Explain:

(c) Compared to the No Action alternative would the Proposed Action and retained alternatives (if any) produce an appreciably different quantity or type of hazardous waste?

Explain:

(d) Compared to the No Action alternative, would the Proposed Action and retained alternatives (if any) generate an appreciably different quantity or type of solid waste or use a different method of collection or disposal and/or would exceed local capacity? If **YES**, are local disposal facilities capable of handling the additional volumes of solid waste resulting from the Action? A letter from the local waste management handling facility may be necessary.



Explain:

[Empty yellow response box]

(e) Compared to the No Action alternative, would the Proposed Action and retained alternatives (if any) adversely affect human health and the environment with regards to hazardous materials or solid waste?

Explain:

[Empty yellow response box]

(f) Is there a sanitary landfill containing municipal solid waste (MSW) located within 10,000 feet of a runway serving turbo-powered aircraft, or 5,000 feet of a runway serving piston-powered aircraft? **Note:** A sanitary landfill containing municipal solid waste (MSW) is incompatible with airport operations if the landfill is located within 10,000 feet of a runway serving turbo-powered aircraft, or 5,000 feet of a runway serving piston-powered aircraft. Refer to FAA Advisory Circular 150/5200.33 "Hazardous Wildlife Attractants on or Near Airports," and FAA Order 5200.5B, "Guidance Concerning Sanitary Landfills on or Near Airports."

Explain:

[Empty yellow response box]

(8) HISTORICAL, ARCHITECTURAL, ARCHEOLOGICAL, AND CULTURAL RESOURCES

(a) Describe and identify on an attached figure any *known* sites listed-in or eligible for listing on the National Register of Historic Places (NRHP) within the Proposed Action's and retained alternatives (if any) Area of Potential Effect (APE), which is defined as "the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties". The APE includes the direct impact area (limits of ground disturbance) and as applicable the indirect impact area encompassed by the composite DNL 65 dBA noise contour of the Proposed Action, No Action, and retained alternatives (if any). Protected resources include historic sites, districts, objects, archaeological remains, historic structures, public parks, publicly-owned recreation areas, and wildlife or waterfowl refuges. Accomplish this review through searching the NRHP database, consultation with the Florida State Historic Preservation Officer (SHPO), local historic groups, local jurisdictions, federally recognized tribes in the State of Florida, and airport staff. Historic airport facilities (50 years or older) must be included. **Note:** If any known listed or eligible NRHP sites are identified within the Proposed Action's APE (direct or indirect), you must immediately contact the ORL/ADO Environmental Specialist for further instruction regarding Section 106 of the National Historic Preservation Act (NHPA).



Describe and identify on attached figure (as applicable) any known sites in the direct and indirect impacts APE:

[Empty response box]

(b) Consultation with the SHPO and tribes should be conducted early in the process and prior to submittal of the preliminary Draft EA to the ORL/ADO EPS. Discuss Florida SHPO and tribal consultation responses below. **Records of consultation with the Florida SHPO and federally recognized tribes and their responses must be included in an appendix to the EA.** All public out-reach efforts should apply to these groups as well. **Note:** Letters to the Florida SHPO and federally recognized tribes must come from the FAA. Draft letters for FAA signature. Discuss the proposed action and attach a figure identifying the area of potential effect (APE) on a recent aerial. Include in the discussion whether a cultural resource assessment study (CRAS) has been done for the APE. Provide a written effects determination along with supporting documentation to the SHPO/THPO and the consulting parties (see 36 CFR § 800.5). Make one of the following conclusions: (1) no historic properties present in the APE; (2) no adverse effect on historic properties; or (3) adverse effect on historic properties. You must review <http://www.dot.state.fl.us> for a list of federally recognized tribes, contacts and addresses. If any known listed or eligible NRHP sites are identified within the Proposed Action's APE, you must immediately contact the ORL/ADO Environmental Specialist for further instruction regarding Section 106 of the National Historic Preservation Act (NHPA).

Discuss Florida SHPO and tribal consultation responses.

[Empty response box]

(c) Compared to the No Action alternative, would the Proposed Action or retained alternatives (if any) result in *direct effects* (physical disturbance or destruction, damage, alteration, isolation of the property from its surroundings, or moving a property from its historic location), or *indirect effects* (introduction of visual, auditory, or atmospheric elements that are out of character with the property or that would diminish the integrity of the property's setting), on any NRHP property or NHRP-eligible property? Cross reference your response with other applicable impact categories such as noise and compatible land use, air quality and Section 4(f)/6(f) resources.

Discuss direct or indirect effects on NRHP or NHRP-eligible properties.

[Empty response box]

(9) LAND USE

(a) Compared to the No Action Alternative, would the Proposed Action and retained alternatives (if any) result in any impacts to off-airport land uses and/or require a change to the local comprehensive plan and zoning map?

Discuss any impacts to off-airport land uses or changes to a local comprehensive plan or zoning.

[Empty response box]

(b) Compared to the No Action alternative, would the Proposed Action and retained alternatives (if any) be located near or create a potential wildlife hazard as defined in FAA Advisory Circular 150/5200-33, "Wildlife Hazards on and Near Airports"?

Discuss potential wildlife hazards.



[Empty yellow box]

(c) If the Airport Sponsor is filing a federal Airport Improvement Program (AIP) grant application for construction of the Proposed Action, an executed letter from the Airport Sponsor to the FAA with the land use assurance language noted below must be attached as an appendix to this EA.

“Per 49 USC Section 47107(a)(10), that appropriate action, including adopting zoning laws, has been or will be taken to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including the landing and takeoff of aircraft.”

Note: *The Sponsor’s assurance letter must be related to existing and future planned land uses in the airport vicinity.*

Identify Draft EA Appendix that contains the Airport Sponsor’s land use assurance letter or explain why one is not required.

[Empty yellow box]

(10) NATURAL RESOURCES AND ENERGY SUPPLY

(a) Identify suppliers of energy resources found in the area such as power plants, water utilities, sewage disposal utilities, and suppliers of natural gas and petroleum, as applicable. Identify the approximate amount of other resources such as water, asphalt, aggregate, and wood a project would use in the construction, operation, and maintenance of a project and identify where the suppliers are located.

Discuss:

[Empty yellow box]

(b) Compared to the No Action alternative, what effect would the Proposed Action and retained alternatives (if any) have on energy supplies or other natural resource consumption? Would demand exceed supply?

Explain:

[Empty yellow box]

(c) Identify whether the Proposed Action and retained alternatives (if any) would incorporate sustainable design features such as conservation of resources, use of pollution prevention measures, minimization of aesthetic effects, and address public (both local and traveling) sensitivity to these concerns.

Explain:

[Empty yellow box]

(11) NOISE AND COMPATIBLE LAND USE



(a) Determine if a noise analysis should be conducted per FAA Order 1050.1F, Appendix B . Airport operations must not exceed the threshold for both existing and forecast years (with and without the Proposed Action). If operations exceed the threshold, coordinate with the ORL/ADO EPS prior to conducting a noise analysis. **Note:** *No noise analysis is needed for projects involving Design Group I and II airplanes (wingspan less than 79 feet) in Approach Categories A through D (landing speed less than 166 knots) operating at airports whose forecast operations in the period covered by the NEPA document do not exceed 90,000 annual propeller operations (247 average daily operations) or 700 annual jet operations (2 average daily operations). These numbers of propeller and jet operations result in DNL 60 dB contours of less than 1.1 square miles that extend no more than 12,500 feet from start of takeoff roll. The DNL 65 dB contour areas would be 0.5 square mile or less and extend no more than 10,000 feet from start of takeoff roll. Also, no noise analysis is needed for projects involving existing heliports or airports whose forecast helicopter operations in the period covered by the NEPA document do not exceed 10 annual daily average operations with hover times not exceeding 2 minutes. These numbers of helicopter operations result in DNL 60 dB contours of less than 0.1 square mile that extend no more than 1,000 feet from the pad. Note that this rule applies to the Sikorsky S-70 with a maximum gross takeoff weight of 20,224 pounds and any other helicopter weighing less or producing equal or less noise levels. Airport forecasts must be consistent with the most recent FAA Terminal Area Forecast (TAF).*

Document the most recent TAF for the airport, the existing and forecast annual operations in the EA study years for the No Action alternative, the Proposed Action and any retained alternatives. Discuss whether the thresholds described above would be exceeded or not and whether a quantitative or qualitative noise analysis is appropriate for the Proposed Action.

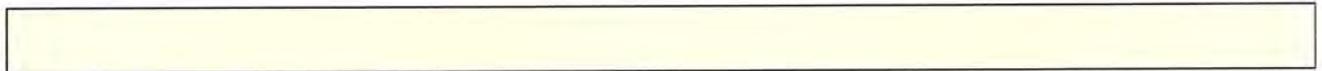
(b) Aircraft noise screening may rule out the need for more detailed noise analysis if screening shows no potential for significant noise impacts. The Area Equivalent Method (AEM) can be used in evaluating proposed actions and alternative(s) at an airport which result in a general overall increase in daily aircraft operations or the use of larger/noisier aircraft, as long as there are no changes in ground tracks or flight profiles. If the AEM calculations indicate that the action would result in less than a 17 percent (approximately a DNL 1 dB) increase in the DNL 65 dB contour area, there would be no significant impact over noise sensitive areas and no further noise analysis would be required. If the AEM calculations indicate an increase of 17 percent or more, or if the action is such that use of the AEM is not appropriate, then the noise analysis must be performed using the Aviation Environmental Design Tool (AEDT) to determine if significant noise impacts would result. See the Area Equivalent Method (AEM) Version 7.0c User’s Guide, October 2012 for further information on conducting an AEM screening procedure. **Note:** *If more detailed noise analysis is required, the model must be used to determine if significant noise impacts would result from implementation of the Proposed Action. Information regarding the FAA’s AEDT 2b can be found in the 1050.1F Desk Reference and at <https://aedt.faa.gov/> .*

Explain the results of the AEM analysis if used.

(c) Describe the affected environment for noise and noise compatible land use. Refer to the 1050.1F Desk Reference section 11.2, Affected Environment, for necessary information. The steps generally required to describe the affected environment for noise and noise compatible land are as follows:



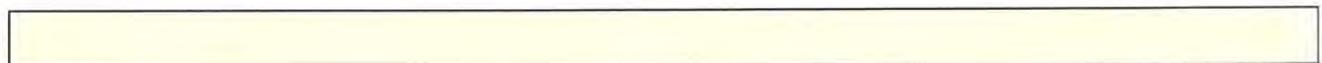
- *Determine the study area for noise analysis.* An airport environs study area must be large enough to include the area within the DNL 65 dB contour, and may be larger.
- *Identify noise sensitive areas in the study area and pertinent land use information;* A noise sensitive area is defined in Paragraph 11-5.b (8) of FAA Order 1050.1F.
- *Describe **current** noise conditions in the study area.* Noise exposure contours must include DNL 65, 70, and 75 dB levels. Identify the number of residences or people residing within each noise contour where aircraft noise exposure is at or above DNL 65 dB. Identify the location and number of noise sensitive uses in addition to residences (e.g., schools, hospitals, nursing homes, parks, recreation areas, historic structures) that could be significantly impacted by noise. Use recent aerial photographs, GIS mapping and other resources to depict land uses within the noise study area.



(d) Describe the potential noise impacts of the proposed action and alternative(s), if any, for each timeframe evaluated. Use the AEDT to provide noise exposure contours for DNL 5 dB increments for the DNL 65, 70, and 75 dB levels. For all comparisons analyzed, the analysis needs to identify noise increases of DNL 1.5 dB or more over noise sensitive areas that are exposed to noise at or above the DNL 65 dB noise exposure level, **or** that would be exposed at or above the DNL 65 dB level due to a 1.5 dB or greater increase, when compared to the No Action alternative for the same timeframe. For each modeling scenario analyzed, disclose, quantify and discuss:

- number of residences or people residing within each noise contour interval where aircraft noise exposure is at or above DNL 65 dB,
- the net increase or decrease in the number of people or residences exposed to each increment of noise
- location and number of noise sensitive land uses in addition to residences (e.g., schools, hospitals, nursing homes, parks, recreation areas, historic structures) exposed to DNL 65 dB or greater
- when DNL 1.5 dB increases to noise sensitive land uses are documented within the DNL 65 dB contour, also identify the location and number of noise sensitive land uses within the DNL 60 dB contour that are exposed to aircraft noise levels at or above DNL 60 dB but below DNL 65 dB and are projected to experience a noise increase of DNL 3 dB or more
- noise impact on noise sensitive areas within the DNL 65 dB contour.

Use multiple graphics to depict the noise contours and land uses and noise sensitive resources within the noise contours for all alternatives. Include arrival, departure and touch and go flight tracks. Graphics should be scaled and sufficiently large and clear to be readily understood.



(e) Discuss whether there is a significant noise impact for the Proposed Action and retained alternatives (if any) compared to the No Action alternative. FAA Order 1050.1F Exhibit 4-1



provides the FAA’s significance threshold for noise i.e. *The action would increase noise by DNL 6 1.5 dB or more for a noise sensitive area that is exposed to noise at or above the DNL 65 dB noise exposure level, or that will be exposed at or above the DNL 65dB level due to a DNL 1.5dB or greater increase, when compared to the no action alternative for the same timeframe.* For example, an increase from DNL 65.5 dB to 67 dB is considered a significant impact, as is an increase from DNL 63.5 dB to 65 dB. The determination of significance must be obtained through the use of noise contours and/or grid point analysis along with local land use information and general guidance contained in Appendix “A”, Table 1 of 14 CFR part 150. If there is a potential significant noise impact for the Proposed Action, **do not** complete this EA and contact the ORL ADO/EPS for further guidance.

Explain:

(e) For some noise analyses, it may be necessary to include noise sources other than aircraft departures and arrivals in the noise analysis. This can be determined by examining the action and determining the potential impacts caused by noise other than aircraft departures and arrivals. Some examples are engine run-ups, aircraft taxiing, construction noise, and noise from related roadway work and roadway noise. The inclusion of these sources should be considered on a case-by-case basis, as appropriate. Discuss whether the Proposed Action and retained alternatives (if any) have the potential to cause noise other than aircraft related noise. See 1050.1F Desk Reference, Section 11.5 for additional information.

Discuss if analysis of other noise sources is warranted. If it is, conduct the analysis and describe the results here.

(f) Discuss any mitigation measures that are in effect at the time of the proposal or are proposed to be taken to mitigate significant impacts resulting from the Proposed Action and/or the retained alternatives. See 1050.1F Desk Reference, Section 11.6 for common operational measures to mitigate noise, common mitigation measures related to noise and noise-compatible land use, and common construction mitigation measures. Local land use actions are within the purview of local governments. The FAA encourages local governments to take actions to reduce and prevent land uses around airports that are not compatible with airport operations and aircraft noise. Airports receiving federal grant funding have a compatible land use obligation, as described in 1050.1F Desk Reference, Section 11.5.3 Airport Actions. Discuss what is being done regarding compatible land use by the local jurisdiction(s) with land use control authority.

(12) SOCIOECONOMICS, ENVIRONMENTAL JUSTICE, AND CHILDREN’S ENVIRONMENTAL HEALTH AND SAFETY RISKS

(a) When compared to the No Action alternative, would the Proposed Project and retained alternatives (if any) change business and economic activity in the community; impact public service demands; induce shifts in population movement and growth, or other factors identified by the public, etc.? If **YES**, describe how these impacts would be minimized or mitigated.

Explain:



[Empty yellow box]

(b) When compared to the No Action alternative, would the Proposed Project and retained alternatives (if any) result in the need to relocate any homes or businesses? If **YES, do not** complete this EA and contact the ORL/ADO EPS for further guidance.

Explain:

[Empty yellow box]

(c) Cause an alteration in surface traffic patterns, or cause a noticeable increase in surface traffic congestion or a decrease in Level of Service (LOS) on local roadways?

Explain:

[Empty yellow box]

(d) Would the Proposed Action and retained alternatives (if any) have the potential to lead to a disproportionately high and adverse impact to an environmental justice population, i.e., a low-income or minority population? Consider impacts in other environmental impact categories (noise, air); or impacts on the physical or natural environment that affect an environmental justice population in a way that the FAA would determine are unique to the environmental justice population and significant to that population. See 1050.1F Desk Reference, Chapter 12 for guidance. If **YES, do not** complete this EA and contact the ORL/ADO EPS for further guidance.

Explain:

[Empty yellow box]

(e) Would the Proposed Action and retained alternatives (if any) result in any environmental health risks and/or safety risks that may disproportionately affect children? Environmental health risks and safety risks include risks to health or to safety that are attributable to products or substances that a child is likely to come in contact with or ingest, such as air, food, drinking water, recreational waters, soil, or products they might use or be exposed to. It may be beneficial to determine the number of schools, daycares, parks, and children’s health clinics in the study area. Consider impacts to children’s health and safety in the context of other impact categories (air, noise, water quality).

Explain:

[Empty yellow box]

(13) VISUAL EFFECTS INCLUDING LIGHT EMISSIONS

(a) Compared to the No Action alternative, describe any new lighting systems associated with the Proposed Action and retained alternatives (if any). Describe the new types of lighting, their intensity, height and direction of emissions that would be constructed and operational.

Explain:

[Empty yellow box]



(b) Would the Proposed Action and retained alternatives (if any) have the potential to create annoyance or interfere with normal activities for nearby residential areas or other light-sensitive resources or affect the visual character of the area due to the light emissions, including the importance, uniqueness, and aesthetic value of the affected visual resources? If appropriate, provide a graphic depicting the location of residential areas or other light-sensitive resources in the airport vicinity in relation to the Proposed Action’s and retained alternatives (if any) new lighting system.

Explain:

[Empty text box for explanation]

(c) Identify whether a local community, government or jurisdictional agency would consider visual effects from the Proposed Action’s (and retained alternatives) lighting objectionable to people’s properties and people’s use of resources covered by DOT Section 4(f), LWCF Section 6(f), and the National Historic Preservation Act (NHPA) Section 106. Consider the potential extent the proposed action would have to: affect the nature of the visual character of the area, including the importance, uniqueness, and aesthetic value of the affected visual resources; contrast with the visual resources and/or visual character in the study area; and block or obstruct the views of visual resources, including whether these resources would still be viewable from other locations.

Explain:

[Empty text box for explanation]

(14) WATER RESOURCES - WETLANDS, FLOODPLAINS SURFACE WATERS, GROUNDWATER, AND WILD AND SCENIC RIVERS

WETLANDS

(a) Compared to the No Action alternative, would the Proposed Action and retained alternatives (if any) impact federal or state jurisdictional and non-jurisdictional wetlands? If **YES**, provide an assessment of the Proposed Action and retained alternatives (if any) wetland impacts. **Quantify both** acreage and Functional Loss in accordance with U.S. Army Corps of Engineers (USACE) and state agency (water management district (WMD)) or Florida Department of Environmental Protection (FDEP) requirements. If protected species or habitat resources are affected, USFWS and FWC must be consulted and consultation must be attached as an appendix to this EA. Cross-reference with Category (2) Biotic Resources, as applicable.

Provide assessment of wetland impacts:

[Empty text box for assessment]

(b) If the Proposed Action would unavoidably impact a wetland, explain why the wetland is the only practicable location for the Proposed Action. Consider the purpose and need, FAA design standards, engineering, environmental, economic, technical feasibility or any other applicable factor. FAA will consider this information in its independent evaluation of alternatives (see 40 CFR 1506.5.) **Note:** *Federal regulations require "that no discharge shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact to the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences"* (per Memorandum of Agreement between The Department of the Army and Environmental Protection Agency, The Determination of Mitigation under the Clean Water Act Section 404 (b)(1) Guidelines, February 1990.



Discuss:

[Empty yellow box for discussion]

(c) If the Proposed Action would affect federal and/or state jurisdictional wetlands, discuss all practicable means to avoid and minimize wetland impacts through modifications or permit conditions. FAA will consider this information in its independent evaluation of measures that will be used to minimize harm to wetlands (see 40 CFR 1506.5).

Discuss avoidance and minimization measures evaluated and unavoidable wetland impacts:

[Empty yellow box for avoidance and minimization measures]

(d) Discuss appropriate and practicable compensatory mitigation for unavoidable adverse impacts which remain after all appropriate and practicable minimization has been provided. Identify the location of proposed compensatory mitigation, including acreage, Functional Gain, and estimated cost. USACE and WMD or FDEP consultation must be attached in an appendix to this EA that includes acknowledgement of required permits and proposed mitigation.

Discuss compensatory mitigation and attach record of jurisdictional agency consultation:

[Empty yellow box for compensatory mitigation and consultation]

(e) List all required permits that will be obtained for wetland impacts (USACE Section 404, WMD, FDEP or local). USACE Standard Individual Permits require public notice. For NEPA purposes, this is conducted during public and agency review of the Draft EA. Note: Nationwide General Permits authorize a category of activities throughout the U.S., Puerto Rico, and U.S. Virgin Islands that are similar in nature and cause only minimal individual and cumulative environmental impacts. Nationwide General Permits may authorize minor filling, roads, utility lines, maintenance of existing structures and other minor activities; they may require mitigation. Standard Individual Permits are required for activities which may cause more than minimal adverse effects to the aquatic environment and exceed the terms and conditions of a general permit; they require public notice and review by state and federal resource agencies; most require mitigation.

List all wetland permits:

[Empty yellow box for listing wetland permits]

(f) Attach a statement from the Airport Sponsor committing to the implementation of a mitigation plan developed to the satisfaction of the USACE in consultation with state and local agencies having an interest in the affected wetland.

[Empty yellow box for mitigation plan statement]

FLOODPLAINS

(a) Compared to the No Action alternative, would the Proposed Action and retained alternatives (if any) be located in, or encroach upon, any base/100-year floodplains, as designated by the Federal Emergency Management Agency (FEMA)? If YES, you must quantify the encroachment and attach the corresponding FEMA Flood Insurance Rate Map (FIRM) and proceed to (b) and (c).



Explain and quantify the floodplain encroachment and attach FEMA FIRM Map, if applicable:

[Empty response box]

(b) In accordance with Executive Order 11988, explain why the Proposed Action and retained alternatives (if any) must be located in or affect the base/100-year floodplain. Include (1) a description of significant facts considered in making the decision to locate the Proposed Action in or to affect the floodplain, including alternative sites and actions; (2) a statement indicating whether the Proposed Action (and retained alternatives if any) conforms to applicable state or local floodplain protection standards; (3) a description of the design steps taken to modify the Proposed Action to minimize potential harm to or within the floodplain; and (4) a statement indicating how the Proposed Action affects the natural or beneficial values of the floodplain.

Explain:

[Empty response box]

(c) If the Proposed Action or retained alternative would cause an encroachment of a base/100-year floodplain, the Airport Sponsor must provide an opportunity for early public review during the EA process, in accordance with Section 2(a)(4) of Executive Order 11988 and Paragraph 7 of DOT Order 5650.2. For NEPA purposes, this is conducted during public and agency review of the Draft EA.

Discuss what actions were taken to make the Draft EA available for early public review and what notification of floodplain impacts was made.

[Empty response box]

SURFACE WATERS AND GROUND WATERS

(a) When compared to the No Action alternative, will the Proposed Action and retained alternatives (if any) require a Section 401 water quality certificate (WQC) for construction activities or impacts to navigable waters, including jurisdictional wetlands? Explain the status of and/or any issues associated with obtaining this certificate. Attach any correspondence from the issuing agency. Cross reference your response with Wetlands, as applicable.

Explain:

[Empty response box]

(b) Is a National Pollutant Discharge Elimination System (NPDES) permit required for the Proposed Action and retained alternatives (if any)? If **YES**, explain the status and attach any comments received from the issuing agency or a copy of the permit.

Explain:

[Empty response box]

(c) Would the Proposed Action and retained alternatives (if any) affect a public drinking water supply, a sole source aquifer, or a Comprehensive State Groundwater Protection Program (CSGWPP)? If **YES**, attach records of consultation with EPA and state, local or tribal water quality agencies responsible for protection programs.



Explain:

(d) Provide sufficient description of the mitigation measures the Airport Sponsor will carry out for the Proposed Action to: meet WQC terms or the conditions of any applicable NPDES permits; protect public drinking water supplies or comply with applicable CSGWPPs; develop response plans to contain any potential spills of oil or oil-based products associated with the Proposed Action; meet any other substantial water quality concerns that water quality agencies identify; or, use best management practices (BMPs) or best available technologies (BATs).

WILD AND SCENIC RIVERS

(a) Is the Proposed Action’s project study area within any Wild and Scenic Rivers System (WSRS), study rivers, National Rivers Inventory (NRI), or otherwise eligible rivers or river segments under Section 5(d)? If no Wild and Scenic Rivers, study rivers, NRI, or Section 5(d) rivers are found within the study area, no further analysis is needed. If **YES**, contact an FAA ORL/ADO EPS for further guidance. **Note:** *The study area should be defined as the entire geographic area with the potential to be either directly or indirectly impacted by the proposed action and alternative(s). For example, if construction of a new facility is part of the proposed action or alternative(s), the study area should include any areas directly impacted through any visual, audible, or other type of intrusion that is out of character with the river or alters the outstanding features of the river’s setting. The study area should also include any area indirectly impacted by the proposed action and alternative(s), such as rivers or river segments many miles downstream from the construction footprint of a project which may experience changes in water quality or quantity due to the proposed action and alternative(s). In addition, the default boundaries of Wild and Scenic Rivers as defined in the Wild and Scenic Rivers Act extend to a maximum of one-quarter mile from the ordinary high water mark on each side of the river (an average of not more than 320 acres per mile). As a result, be sure to consider any area within this boundary as part of the study area. Florida has two rivers designated as wild and scenic in accordance with the Wild and Scenic Rivers Act; the Loxahatchee River in southeast Florida, and the Wekiva River in central Florida. The NPS’s NRI website at: <http://www.nps.gov/ncrc/programs/rtca/nri/> provides a map which can assist in determining if any rivers in the study area are included on the NRI; and the National Wild and Scenic River’s Designated Wild and Scenic Rivers website at: <http://www.rivers.gov/map.php> provides a list of all designated Wild and Scenic Rivers in the National System as well as all study rivers.*

Explain:

9. CUMULATIVE IMPACTS



Cumulative impacts are impacts that a proposed action and retained alternatives (if any) would have on a particular resource when added to impacts on that resource from past, present, and reasonably foreseeable future actions undertaken or proposed by the Airport Sponsor, the FAA, other Federal, state or local agencies, or a private entity. **Note:** List all sources of information including projects shown on an airport's ALP or identified in an airport's master plan, on airport projects approved by the FAA, the airport's 5 year CIP, the local jurisdiction's approved land use map and long range transportation plan, and substantial locally approved development projects. Identify off-airport projects that are within the same political jurisdiction or within approximately 5 miles of the airport, and the existing and future 65 DNL noise contour. For wetland and biotic resource impacts consider water management district basin boundaries.

(a) In order to determine whether the Proposed Action and retained alternatives (if any) would have a cumulative effect on any of the environmental impact categories discussed above, identify any on-airport projects that may have common timing and/or location; and any off-airport projects in the airport's vicinity outside of the Airport Sponsor or FAA's jurisdiction. Generally use 3 years for past projects and 5 years for future foreseeable projects. For each past, present, and future project, you must discuss environmental impacts and any required permits.

Explain:

(b) Considering the impacts of the Proposed Action (and retained alternatives if any) together with the environmental impacts of past, present, and future projects discussed in 12(a) above, discuss whether cumulative impacts would exceed a significant impact threshold where one is provided. If no threshold is provided, discuss whether potential cumulative impacts would be considered substantial by any Federal, state, or local agency, or the public. Significant impact thresholds are provided in Exhibit 4-1 of FAA Order 1050.1F and in 5050.4B Table 7-1 for each resource category.

Explain:

10. MITIGATION MEASURES

(a) As defined in the CEQ Regulations at 40 CFR § 1508.20, mitigation includes avoiding the impact; minimizing the impact; rectifying the impact by repairing, rehabilitating, or restoring the environment; reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; and compensating for the impact by replacing or providing substitute resources.

Summarize all mitigation measures discussed in the Environmental Impact Categories of this EA that will be taken to avoid creation of significant impacts to a particular resource as a result of the Proposed Action. Discuss any impacts that cannot be mitigated, or that cannot be mitigated below the threshold of significance. Significant impact thresholds are provided in Exhibit 4-1 of FAA Order 1050.1F for each resource impact category and in 5050.4B Table 7-1.



[Empty yellow box]

11. PERMITS

List all required permits for the Proposed Action, including the lead agency, status, and responsible entity. Discuss coordination with appropriate agencies and the expected time frame for receiving identified permits. Indicate whether any difficulties are anticipated in obtaining required permits. **Note:** *Even though the Airport Sponsor has/shall obtain one or more permits from the appropriate Federal, state, and local agencies for the Proposed Action, initiation of any construction activities shall NOT begin until the FAA has issued its environmental determination based on the information in this EA.*

[Empty yellow box]

12. CONSISTENCY WITH APPROVED PLANS OR LAWS

(a) Is the Proposed Action consistent with existing environmental plans, laws, and administrative determinations of Federal, state, regional, or local agencies?

Explain:

[Empty yellow box]

(b) Are there any other Federal approvals or permits required?

Explain:

[Empty yellow box]

(c) Is the Proposed Action consistent with plans, goals, policies, or controls that have been adopted for the area in which the airport is located?

Explain:

[Empty yellow box]

13. PUBLIC AVAILABILITY

(a) Discuss whether any public meetings were held during development of the Draft EA. Provide a list of all agencies and persons consulted in the preparation of this EA. Discuss any input from local officials or public groups regarding the Proposed Action. Discuss whether a public hearing is warranted i.e. there is substantial environmental controversy concerning the



Proposed Action or there is substantial interest in holding a hearing or another agency with jurisdiction over the action requests a public hearing.

(b) After review by the FAA ORL/ADO EPS, the EA must be issued by the Airport Sponsor as a Draft EA for a 30-day public and agency review period. Concurrent with the 30-day public review period, the Airport Sponsor must submit the Draft EA to the Florida State Clearinghouse and to Federal, state and local agencies (as determined by the ORL/ADO EPS). The Airport Sponsor must publish a notice of availability of the Draft EA for public review in the local newspaper and airport sponsor’s website, if available. **Note:** *Certain special purpose environmental laws, regulations, or executive orders require public notice, and must be included as part of the Draft EA notice of availability. These include but are not limited to section 2(1)(4) of E.O. 11988, Floodplain Management, section 2(b) of E.O. 11990, Protection of Wetlands, Section 7 of the Endangered Species Act, Section 106 of the National Historic Preservation Act, and Order DOT 5610.2, Environmental Justice.*

Discuss and acknowledge submittal of a Draft EA for public and agency review.

(c) Comments on the Draft EA received from the Florida State Clearinghouse, Federal and state agencies, and the public must be attached to the Final EA. The Airport Sponsor must provide draft responses for FAA review by the ORL/ADO EPS.

Summarize comments received and identify an appendix to the EA within which the comments and responses are found.

14. LIST ALL ATTACHMENTS TO THIS EA



15. PREPARER CERTIFICATION

I certify that the information I have provided above is, to the best of my knowledge, true and correct.

Signature:

Name, Title:

Affiliation:

Date:

Phone Number:

Email:

16. AIRPORT SPONSOR CERTIFICATION

I certify that the information I have provided above is, to the best of my knowledge, true and correct. I also recognize and agree that no construction activity, including but not limited to site preparation, demolition, or land disturbance, shall proceed for the above proposed action(s) until FAA issues a final environmental decision for the proposed action(s), and until compliance with all other applicable FAA approval actions (e.g., ALP approval, airspace approval, grant approval) has occurred and all appropriate Federal, state and local permits and certifications have been obtained.

Signature:

Name, Title:

Affiliation:

Date:

Phone Number:

Email:



END NOTES:

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Resolution 2016-95**
 Work Order 16-75 - Passero Associates, LLC

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: Approve Resolution 2016-95 authorizing Work Order 16-75 with Passero Associates, LLC for engineering services for the Florida Department of Transportation (FDOT) Design and Construction of New Terminal project (Welcome Center) at the Fernandina Beach Municipal Airport.

SYNOPSIS: The City Commission approved Joint Participation Agreement (JPA) #427248-1-94-16 with FDOT via Resolution 2015-124 on September 1, 2015 to receive a grant award of \$550,000 (80%) for Design and Construction of New Terminal project (Welcome Center). The new Fixed Base Operator, 8 Flags Aviation, LLC, will reimburse the City the 20% cost-share in the amount of \$137,500.

Passero Associates, LLC proposes Work Order 16-75 in the amount of \$205,908 to provide architectural and engineering design, permitting, topographic survey, geotechnical testing and bidding process oversight of the Airport Welcome Center (two buildings).

FISCAL IMPACT: This project is included in the Fiscal Year 16/17 Capital Improvement Plan and funds have been budgeted in the Airport Improvements account #420-4200-542.6300.

2016/2017 CITY COMMISSION GOALS: Beach Safety Alachua Street
 (As approved by Resolution 2016-51) Soccer Field Lighting Stormwater
 Downtown Density Opportunity
 ADA Improvements Departmental
 Consideration

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend the City Commission adopt proposed Resolution 2016-95. *DLM*

DEPARTMENT DIRECTOR	Submitted by: Dale L. Martin City Manager	Date: 7/29/16
CONTROLLER	Approved as to Budget Compliance <i>PHC</i>	Date: <i>8/3/16</i>
CITY ATTORNEY	Approved as to Form and Legality <i>TEB</i>	Date: <i>8/3/16</i>
CITY MANAGER	Approved Agenda Item for 08/16/16 <i>DLM</i>	Date: 8/2/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

RESOLUTION 2016-95

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING PASSERO ASSOCIATES, LLC'S WORK ORDER 16-75 FOR THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FUNDED DESIGN AND CONSTRUCT NEW TERMINAL PROJECT AT THE FERNANDINA BEACH MUNICIPAL AIRPORT; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission approved Joint Participation Agreement #427248-1-94-16 with FDOT to receive a grant of \$550,000 via Resolution 2015-124 on September 1, 2015; and

WHEREAS, Passero Associates, LLC is proposing Work Order 16-75 in the amount of \$205,908 to provide architectural and engineering design, permitting, topographic survey, geotechnical testing and administration of the bidding process for the Airport Welcome Center (two buildings); and

WHEREAS, FDOT will reimburse 80% of the Work Order cost and the Airport Fixed Base Operator will reimburse the other 20%; and

WHEREAS, this project is included in the Fiscal Year 16/17 Capital Improvement Plan and funds have been budgeted in the Airport Improvements account #420-4200-542.6300.

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

SECTION 1. The City Commission hereby approves Passero Associates, LLC's Work Order 16-75, attached hereto as Exhibit "A", to provide architectural and engineering design, permitting, and bidding process administration for the FDOT Design and Construct New Terminal project at the Fernandina Beach Municipal Airport.

SECTION 2. The City Manager and City Clerk are hereby authorized to execute Work Order 16-75 with Passero Associates, LLC upon review of the City Attorney.

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

ADOPTED this 16th day of August, 2016.

CITY OF FERNANDINA BEACH

John A. Miller
Commissioner - Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:

Caroline Best
City Clerk



Tammi E. Bach
City Attorney

City of Fernandina Beach



Fernandina Beach Municipal Airport (FHB)

Architectural and Engineering Design,
Permitting, Topographic Survey, Geotechnical Testing and
Bidding of Airport Welcome Center (two buildings)

By
Passero Associates, LLC
(Passero Project No. 99000047.0075)

Work Order 16-75

Architectural and Engineering Design, Permitting, Topographic Survey, Geotechnical Testing and Bidding of Airport Welcome Center (two buildings)

PASSERO ASSOCIATES (PA) agrees to perform the following services, in accordance with the terms and conditions of this Work Order and the Master Consulting Services Agreement with the City of Fernandina Beach (dated June 3, 2008), all of which terms and conditions are incorporated herein by reference:

Project Location: Fernandina Beach Municipal Airport, Fernandina Beach, Florida.

Project Description: Prepare design and bid documents for the Airport Welcome Center (two buildings, see attached project sketch), including the new Airport Management / Operations Facility, the new Fixed Base Operator Facility and the adjacent public meeting room facility. The overall project will include buildings, related utilities, stormwater management, access road and automobile parking facilities, open space and the planning of adjacent public-use areas.

Note: The additional public-use facilities (youth activity and education area, etc., outside of the buildings) are not included in this design, as specific facilities have not yet been assigned by the City.

Scope of Basic Services: Architectural and Engineering design, stormwater and building permitting, Mechanical-Electrical-Plumbing and Structural system design, landscaping and irrigation system design, bidding and grants administration support. See Attachment A - Scope of Work (Basic Services).

Scope of Special Services: Topographic surveying and geotechnical investigation.

Client Manager / Project Coordinator: Robert Kozakoff, Airport Operations Supervisor.

PA Program Manager: Andrew Holesko, Program Manager.

PA Project Manager(s): Patrick Honore, PE, Engineering Project Manager; Chris Nardone, RA, Architect.

Basic Services Compensation and Method of Payment:	Not-to-Exceed (Passero):	\$ 140,000.00
	Not-to-Exceed (Promus):	\$ 20,000.00
	Not-to-Exceed (Structures):	\$ 34,000.00
	Not-to-Exceed (Boggs):	\$ 6,250.00

Special Services Compensation and Method of Payment:	Not-to-Exceed (Manzie):	\$ 2,500.00
	Not-to-Exceed (Legacy):	\$ 3,158.00

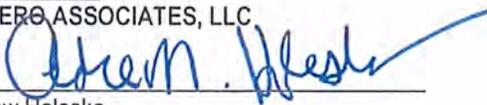
Total Project Cost:	Not-to-Exceed:	\$ 205,908.00
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Schedule and Meetings: The project is scheduled for bidding in early 2017. Meeting attendance, as requested.

- Deliverables:**
1. Architectural and Engineering design drawings, bid documents and supporting during bid process.
 2. Completed building permit (from City) and ERP from St. Johns River Water Management District.
 3. Project Meetings and presentations, as requested by the City.

APPROVED AS TO FORM AND LEGALITY:

 CITY ATTORNEY

"CONSULTANT"
 PASSERO ASSOCIATES, LLC
 BY: 
 Andrew Holesko
 Typed Name

Title: Vice President

ATTEST:
 BY: 
 Mary Gniel, Contract/Gr. Admin.
 Name, Title

"CLIENT "
 CITY OF FERNANDINA BEACH
 BY: _____
 Dale Martin
 Typed Name

Title: City Manager

ATTEST:
 BY: _____
 Name, Title

Schedule A - Scope of Work

Architectural and Engineering Design, Permitting, Topographic Survey, Geotechnical Testing and Bidding of Airport Welcome Center (two buildings)

Fernandina Beach Municipal Airport, Fernandina Beach, Florida

I. Project Description

Prepare design and bid documents for the Airport Welcome Center (two buildings, see Attachment 1 - project sketch), including the new Airport Management / Operations Facility, the new Fixed Base Operator Facility and the adjacent public meeting room facility. The overall project will include buildings, related utilities, stormwater management, access road and automobile parking facilities, open space and the planning of adjacent public-use areas.

Note: The public-use facilities (youth activity and education area, etc., outside of the buildings) are not included in this design, as specific facilities have not yet been assigned by the City.

II. Basic Services

Passero Associates (Consultant) will assist the City of Fernandina Beach ("City" or "Client") with architectural and engineering-design, stormwater and building permitting, Mechanical-Electrical-Plumbing-Structural system design, bidding and grants administration support, by providing the following professional services:

A. Building Design Phase

The building design phase of the Project will include the architectural design of the new Airport Welcome Center (two buildings), new access road and automobile parking, related utilities and stormwater management systems.

Airport Welcome Center (Airport Management / Operations and FBO Facility, plus Public Meeting Room / Building)

- a. **Needs Determination (Complete in June of 2016):** Conduct one confirmation meeting with City staff.
- b. **Space Allocation Model (Complete in June of 2016):** Conduct one confirmation meeting with City staff and tenant (the new Fixed Base Operator in 2018) to review the following functional areas:
 - (1) Fixed Base Operator (FBO) operational areas
 - (2) Public / Passenger waiting areas
 - (3) Restrooms
 - (4) Vending space
 - (5) Pilot lounge
 - (6) Flight planning space
 - (7) General Circulation space
 - (8) Business Operations / FBO counter space
 - (9) Airport operations / management space
 - (10) Leasable spaces
 - (11) Multi-purpose / Conference room(s)
 - (12) Public meeting room(s), in both buildings
 - (13) Observation areas
 - (14) Open space
 - (15) Future (exterior) public-use areas
- c. **Concept / Schematic Design (0-30% design completion):**
 - (1) Attend a Client kick-off meeting to initiate the formal design process.
 - (1) Research applicable local and state codes and regulations.
 - (2) Create Schematic Drawings that reflect design objectives, and meet program requirements. These plans shall include:
 - i. Confirmed Building Floor Plans
 - ii. Confirmed Building Elevations
 - iii. Confirmed Color Rendering
 - (3) Meet with City's Technical Review Committee (TRC) to review the building and site design.

- (4) Conduct continuing design revisions, as needed, based on City's input.
 - (5) Conduct final review meeting to review project designs, improvements and solutions.
 - (6) Progress the project design from 0-30% completion.
 - (7) Participate in City Commission briefing, as requested.
- d. **Design Development Documents (30-60% design completion):** The Consultant shall provide Design Development Documents based on the final Schematic Drawings. The Design Development Documents shall illustrate and describe the refinement of the design of the Project by:
- (1) Establishing the detailed scope, relationships, form, size, and appearance of the buildings by means of:
 - i. Floor and detailed plans
 - ii. Building Sections
 - iii. Detailed Building Elevations
 - iv. Typical Construction Details
 - (2) The Design Development Documents shall include preliminary specifications that identify major materials and systems and establish their basic durability and quality levels.
 - (3) Order soils borings and Geotechnical Evaluation coordination and procurement.
 - (4) Meet with City's Review Committee (TRC).
 - (5) Progress the project design from 30-60% completion.
 - (6) Conduct continuing design revisions, as needed, based on City's input.
 - (7) Participate in City Commission briefing, as requested.
- e. **Construction Documents (60-90-100%):** The Consultant shall provide Construction Documents based on the Design Development Documents and drawings. The Construction Documents shall set forth, in detail, the requirements for construction of the Project.
- (1) The Construction Documents shall include:
 - i. Foundation Plans and Details
 - ii. Floor Plans and Details
 - iii. Roof Plan
 - iv. Exterior Building Elevations
 - v. Building Sections
 - vi. Wall Sections, Details, and Notes
 - vii. Door and Window Schedules
 - viii. Structural, Mechanical, Electrical, and Plumbing Plans, Schedules, Notes, and Details
 - (2) During the development of the Construction Documents, the Consultant shall also assist the City in the development and preparation of:
 - i. Specifications that establish, in detail, the quality levels of materials and systems required for the Project.
 - ii. Bidding and procurement information, which describes the time, place, and conditions of bidding; bidding or proposal forms; and the form of agreement between the City and Contractor.
 - iii. The Consultant shall also compile the Project Manual that includes the Conditions of the Contract for Construction and Specifications and may include bidding requirements and sample forms.
 - iv. Response to comments from the Municipal Code Official and the Fire Marshall during the Building Permit Application process.
- f. **HVAC Design Services: Design and Construction Documents.**
- (1) Kick-off meeting with City and Consultant to review Project requirements and design intention.
 - (2) Specification and layout of HVAC systems to include:
 - i. Design of HVAC systems, including heating, cooling, ventilation, and exhaust.
 - ii. Provide HVAC technical specifications in CSI format as required.
- g. **Plumbing Design Services: Design and Construction Documents.**
- (1) Kick-off meeting with City and Consultant to review Project requirements and design intention.
 - (2) Specification and layout of plumbing systems to include:
 - i. Design of plumbing systems, including the water service equipment, backflow preventers, hot water plant, domestic water distribution, and storm sanitary, and vent piping.
 - (3) Specification and layout of gas systems to include:
 - i. Gas service entrance and coordination with utility.
 - ii. Gas distribution piping as required to serve the HVAC, mechanical, and other building-related equipment.
 - (4) Provide Plumbing technical specifications in CSI format as required

- h. **Fire Protection Design Services: Design and Construction Documents.**
 - (1) Note: Fire Protection Design Services are not included in this work authorization at this time (not required on this project).
- i. **Electrical Design Services: Design and Construction Documents.**
 - (1) Kick-off meeting with City and Consultant to review Project requirements.
 - (2) Specification and layout of electrical systems to include:
 - i. Interior and building mounted lighting systems.
 - ii. Interior convenience power and receptacle systems.
 - iii. Fire alarm system as required by code and owner.
 - iv. Raceways and boxes only for special systems to include: telephone, data, security, paging and sound systems.
 - v. Coordination of the connections and wiring for the exterior lighting and signage (provided by others).
 - (3) Provide Electrical technical specifications in CSI format as required.
- j. **Structural Design Services: Design and Construction Documents.**
 - (1) Kick-off meeting with City and Consultant to review Project requirements.
 - (2) Provide structural sizes and other structural information as needed during the Design Development Phase.
 - (3) Provide final structural design and working structural drawings for the foundations and superstructure of the building. Geotechnical exploration and report to be by others.
 - (4) Provide specifications for structural materials in the form of notes on the structural drawings.
 - (5) Provide an outline of special structural testing and inspections (by others) required for this Project.
- k. **Landscaping / Irrigation Design Services: Design and Construction Documents.**
 - (1) Kick-off meeting with Architect, Landscape Architect / Irrigation specialist and Client to review Project requirements.
 - (2) Provide landscaping and irrigation information as needed during the Design Development Phase.
 - (3) Provide final landscaping and irrigation design.
 - (4) Provide specifications for landscaping and irrigation systems in the form of notes on the project drawings.
 - (5) Provide an outline of specification for installation (by others) required for this Project.

B. Site Engineering (Access / Parking / Utility / Stormwater) Design Phase

- 1. **Preliminary Design Services (0-30% design completion):**
 - a. Review existing documents such as record drawings, specifications, studies and reports to verify current project data.
 - b. Visit the specific building / project site to observe field conditions and validate the existing database.
 - c. Contact the City, FDOT to review scope of work and clarify project design requirements, construction sequencing and operational concerns.
 - d. Prepare preliminary plans identifying areas requiring topographic field survey, geotechnical investigations and other field reconnaissance that may be required. The required field program will be developed into a schedule that minimizes interference with airport operations. The schedule will be coordinated with the City. Consultant will observe the field investigations, as required.
 - e. Perform field survey of topographic and utility data. Field information will be mapped and provided to the Consultant design team.
 - f. Prepare preliminary electrical service drawings with equipment placements.
 - g. Prepare preliminary potable water service supply drawings.
 - h. Prepare preliminary wastewater service drawings.
 - i. Prepare preliminary stormwater service drawings.
 - j. Prepare preliminary construction plans, supplemental documents and construction phasing plans.
 - k. Prepare preliminary quantity takeoffs for the bid schedule.
 - l. Prepare preliminary probable construction costs.
 - m. The design team and the City will conduct a preliminary design review meeting to discuss and resolve content, cost and other comments.
- 2. **Final Design Services (60-90-100% design completion):**
 - a. Finalize the electrical drawings and specifications, including equipment.
 - b. Finalize the potable water drawings and specifications.
 - c. Finalize the wastewater drawings and specifications.

- d. Finalize the stormwater drawings and specifications.
- e. Prepare final construction plans, supplemental documents and construction phasing plans.
- f. Prepare final quantity takeoffs for the bid schedule. This will include items shown on the drawings and/or described in the technical specifications.
- g. Prepare a final probable construction cost utilizing the quantity takeoff and bid items previously developed.
- h. Prepare final contract agreements and technical specifications.
- i. Submit advance final documents to the City, Federal Aviation Administration (as needed), and Florida Department of Transportation for final review and comment. The design team and the City will conduct a final design review meeting to discuss contents, costs and other comments.
- j. Reproduce copies of the bid documents which include plans, specifications and construction phasing plans. These documents will be supplied to the City.

C. Permitting Phase (with SJRWMD): Note: It is expected that this project will require a "Standard General Environmental Resource Stormwater Permit".

1. Review St. Johns River Water Management District Handbook: "Regulation of Stormwater Management Systems" for applicability to project.
2. Meet with SJRWMD staff (as needed) to review project requirements
3. Identify existing pervious and impervious surfaces, as well as existing drainage system components and function.
4. Identify proposed pervious and impervious surfaces, as well as proposed drainage system components and function.
5. Design and recommend an acceptable set of stormwater treatment measures for the proposed drainage system.
6. Submit application to SJRWMD for "Standard General Environmental Resource Stormwater Permit" (ERP).
7. Respond to Request for Additional Information from SJRWMD.

D. Bidding Phase:

1. Prepare "Advertisement for Bids," contract document log and assist the City in the legal advertisement of the project and tracking of outstanding contract document sets.
2. Questions from potential bidders will be directed to and answered by addendum (if required).
3. A pre-bid conference will be scheduled approximately fourteen (14) days prior to the scheduled bid opening. Minutes of the pre-bid conference will be prepared by Consultant and supplied to all meeting attendees and contract document holders.
4. Consultant will assist the City at the bid opening. Consultant will review the bids received for conformance with the contract documents. Consultant will review the contractor's personnel, equipment lists, and references to verify the contractor's qualifications and past record of responsibility.
5. Prepare a bid tabulation and, if approved by the City, send it to all bidders.
6. Prepare either a recommendation of award or rejection of bids, if appropriate, to the City.
7. Prepare conformed copies of the contract and coordinate contractor execution of the contract. The attachments to the contract such as bonds and insurance will be reviewed by Consultant and the City.
8. Review the contractor-executed documents with the City prior to execution by the City.
9. Contact City to coordinate issuance of a Notice-to-Proceed (NTP).

E. Grants Administration (Support) Phase

Consultant will assist and support the City throughout the duration of this design contract. Consultant will act as liaison for the City with the FDOT, and FAA, as needed. The grants administration support phase shall include the following items of work:

1. Prepare State JACIP/grant application packages (as needed), and coordinate execution by City and submissions to the FDOT.
2. Prepare reimbursement request packages, coordinate their execution by City and submission to the FDOT, and FAA, as needed.
3. Assist City in compiling and submitting all necessary grant/project closeout documents required by the FDOT, and FAA, as needed.

III. Special Services

A. Topographic Survey & Geotechnical Investigation

1. A topographic survey and geotechnical investigation will be provided for this project.

2. Other special services (such as environmental studies or other special studies, etc.) are services that often cannot be defined at the beginning of the project, but still may be required before the project is complete. If needed, other special services shall be performed as approved by the City in writing.

IV. OTHER CONSIDERATIONS

- A. This project does not include any form of special services, (other than as specified above). For example, the project does not include the following:
 1. Additional Permitting.
 2. Preparation of additional related Design, Construction Plans, and Specifications.
 3. Other special services (such as environmental studies, traffic studies or other special studies, etc.) are services that often cannot be defined at the beginning of the project, but still may be required before the project is complete. If needed, other special services shall be performed as approved by the City in writing.

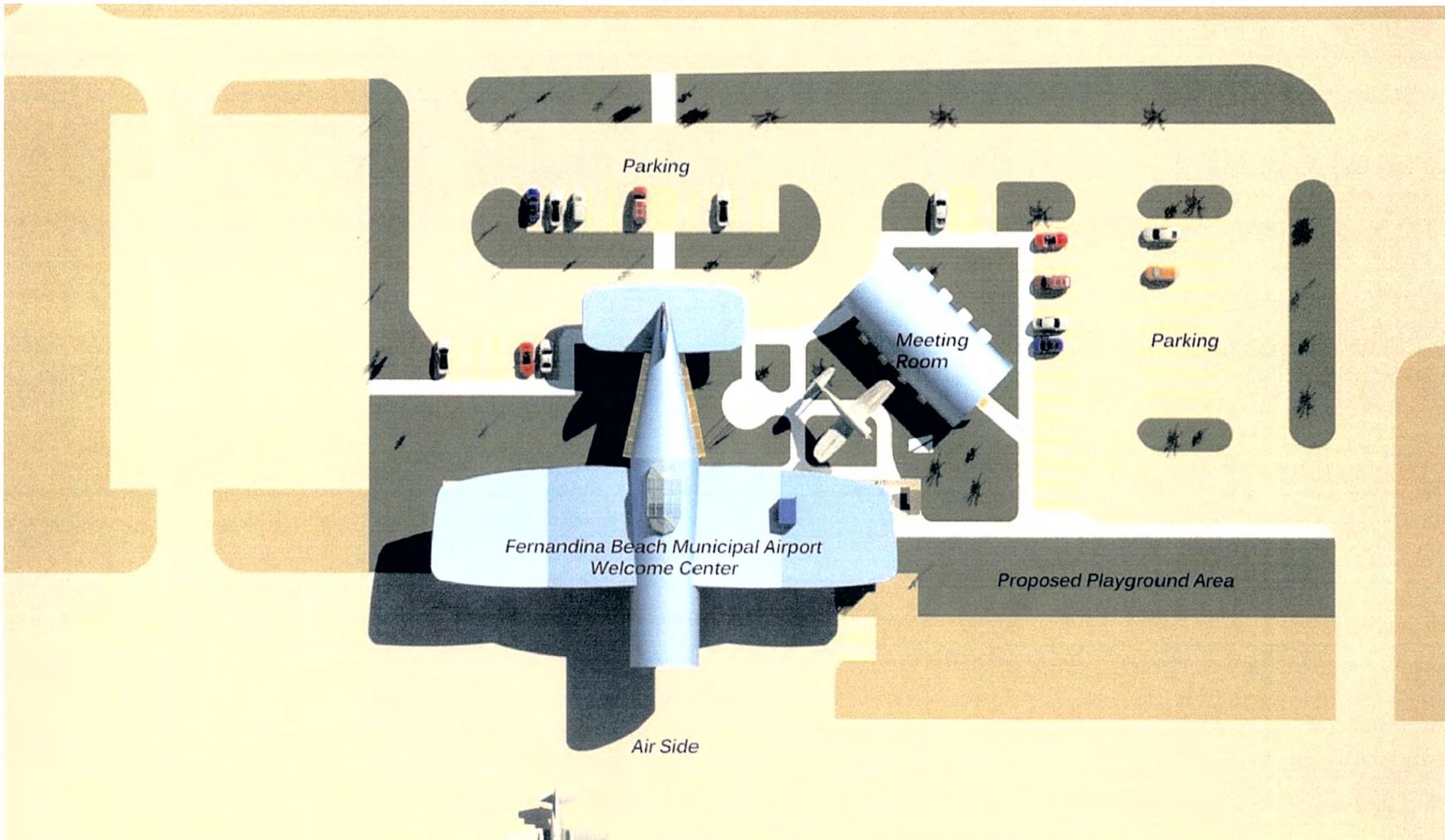
Note: The public-use facilities (youth activity and education area, etc., outside of the buildings) are not included in this design, as specific facilities have not yet been assigned by the City.

- B. The City is responsible for providing complete and thorough data in a timely fashion as requested by the Consultant, including all necessary data from City archives. The Consultant is not responsible for data that is not provided for in the course of this Agreement.
- C. Additional, specialty consultant scopes of service are attached to this agreement As Attachment 2, for reference purposes.

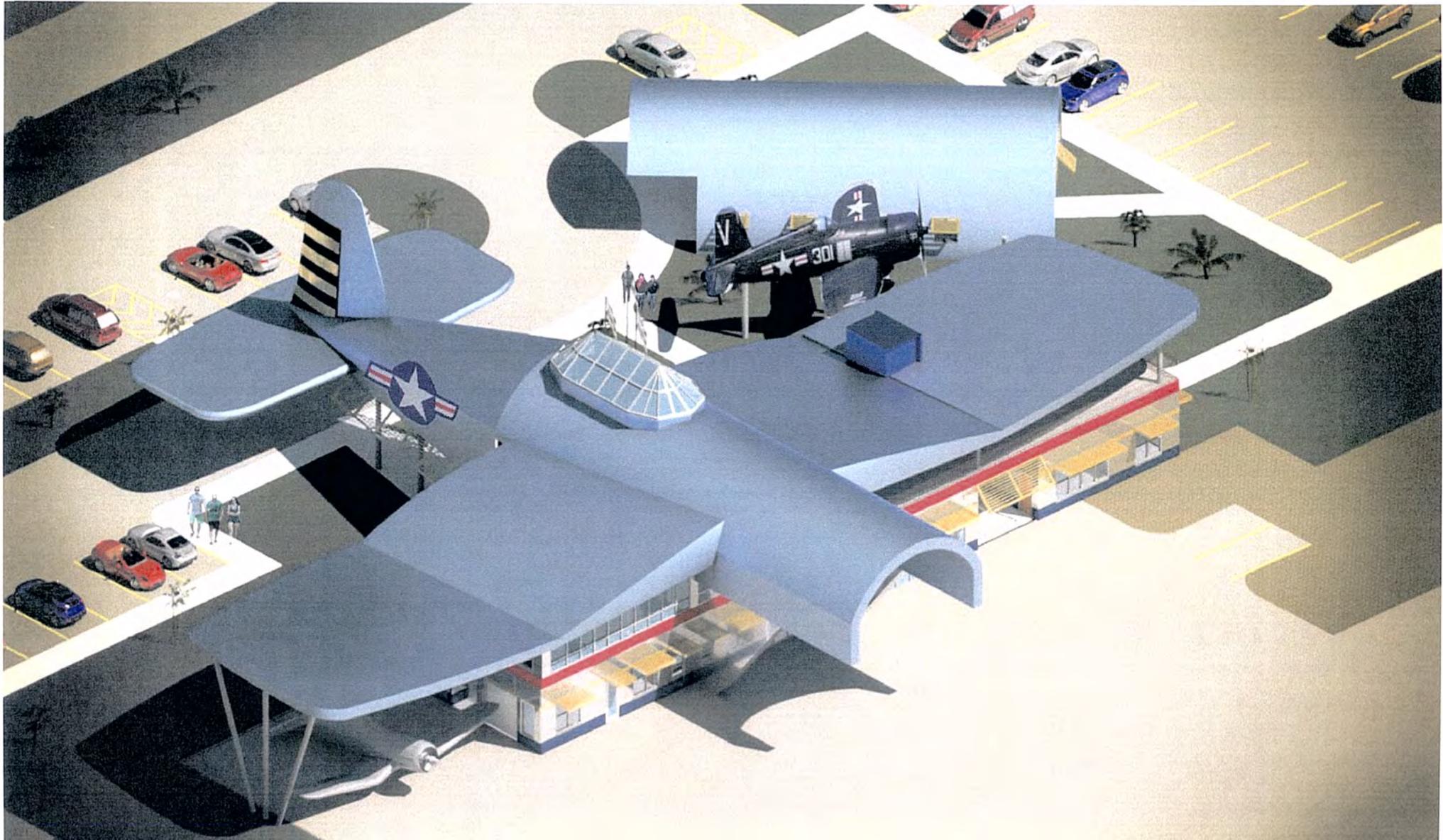
End of Scope of Services (Prime Consultant).

Attachment 1 – Project Sketch

Welcome Center - Site Plan (Concept)



Welcome Center – Building(s) (Concept)



Attachment 2 – Sub-consultant Scopes of Work



PROPOSAL FOR MEP ENGINEERING SERVICES

Proposal made as of July 11, 2016

The Client:

Passero Associates
Mr. Christopher Nardone, RA
13453 N. Main Street, Ste 104
Jacksonville, FL 32218

The Engineer:

Promus, Inc.
518 Black Canyon Park
Canton, GA 30114

For the Project:

Fernandina Beach Municipal Airport FBO
Fernandina Beach, FL

Description: An approximately 13,500 sq. ft. aviation facility with waiting area and offices. Site lighting included for parking around facility. An approximately 1,900 sq. ft. Quonset Building with meeting rooms and restrooms.

We are pleased to provide this proposal as set forth below:

1.1 The Engineer shall provide for the Client, in accordance with this Proposal, mechanical, electrical, and plumbing (MEP) construction documents specifications for the Project described above. Fire sprinkler performance specification will also be included.

2.1 The Engineer's Basic Services proposed Fees are as follows:

Table with 2 columns: Service and Fee. Rows include Construction Documents - FBO (\$16,500.00), Construction Documents - Quonset Building (\$3,500.00), Submittals review / RFI responses (\$1,500.00), and Construction Observation (per trip) (\$750.00).

2.2 The Engineer's standard hourly rates are indicated below:

Table with 2 columns: Role and Hourly Rate. Roles include Principal (\$150.00), Project Manager (\$95.00), Engineer (\$85.00), Designer (\$65.00), CADD (\$52.00), and Clerical (\$42.00).

3.1 This Proposal shall be considered valid for up to 30 days from the date listed above. A formal agreement shall be prepared and signed upon acceptance of this proposal.

3.2 Engineer of Record for this project will be Robert L. Connors, PE. Florida license number 52824.

Sincerely,

Darin Frick, PE, CxA, CEM, LEED A.P.



STRUCTURES INTERNATIONAL, LLC
...Providing Simple Solutions to Complex Problems®

ELECTRONIC TRANSMITTAL

DATE: July 14, 2016
TO: Passero Associates
ATTENTION: Christopher Nardone, RA
E-MAIL ADDRESS: cnardone@passero.com
FROM: Structures International, LLC
NUMBER OF PAGES INCLUDING COVER: 5
COMMENTS/MESSAGE:

We are pleased to propose rendering structural engineering services for the new FBO-SBO facility at the Fernandina Beach Municipal Airport in Fernandina Beach, Florida. Our proposal is based on the following understanding from telephone conversations, the conceptual drawings prepared by your firm dated June 9, 2016, and our meeting at your office yesterday:

Welcome Center Building:

- New two-story Welcome Center. Building includes large overhangs in the form of the “fuselage”, “wings”, and “tail”. Structure is expected to be comprised of structural steel using either vertical braced frames and/or masonry shear walls for lateral stability.
- First floor consists of the Entry/Porte-Cochere, a shade hangar, and FBO and Administration operations. Second floor consists of open space with a bridge, a large covered observation deck, and additional FBO office area.
- A large glass skylight is proposed to be located over the two-story Waiting Area space. ***The design of the skylight itself is beyond our scope of services.*** We will design the structural support for the skylight within the roof.
- Based on our meeting with you, it is our understanding that the “tail” section of the welcome center will consist of a pre-engineered superstructure and the ***design of the “tail” section superstructure will be designed by others.*** As such, our scope of work will be limited to assisting in the performance specification of the superstructure, reviewing the signed and sealed engineered package, and design of the shallow foundation system to support the pre-engineered superstructure.
- The “wing” canopies and “fuselage” sections of the building will be clad with metal panels. We will work with you and your suppliers to coordinate the structural framing with these cladding materials. We will also provide wind design pressures for the various claddings.

- Portions of the second floor exterior walls will likely be constructed using light gauge metal framing. As we discussed in our recent meeting, ***the design of the structural light gauge framing and connections will be delegated to a specialty engineer.*** Our scope of work will consist of providing performance specifications for this framing and reviewing the signed and sealed delegated specialty engineering drawings and calculations.
- The Welcome Center Building contains one elevator, one internal staircase, and two external staircases. All stairs are presumed to be metal framed and the elevator shaft is presumed to be constructed of concrete masonry units (CMU). Based on our meeting, ***the structural design of the two exterior stairs will be delegated to the steel fabricator.*** Our scope of services will include assisting in providing performance specifications for these stairs, reviewing the signed and sealed delegated specialty engineering drawings and calculations, and designing the foundations for these stairs. We will design the main structural elements of the interior stair as part of our work.
- Several sunshades are depicted on the conceptual renderings. It is our understanding that the sunshades and their connections will be pre-engineered products and that our scope of work will be limited to providing adequate substrate to connect to and support the sunshades and providing structural performance specifications for the sunshades.

Meeting Room (Quonset Hut):

- New 1,855 square-foot, single-story building to house large meeting room and restroom and storage facilities as well as an equipment platform.
- It is our understanding that ***the superstructure will consist of a pre-engineered metal building which will be designed by others*** and that our services will be limited to the design of the foundations, first floor slab for the building, and the equipment platform.
- We will assist in the coordination with the PEMB manufacturer as well as define the wind design pressures for the building components and cladding. We will also provide design input for the large overhang and glass wall.
- A sunshade is depicted on the rear of the building in the conceptual renderings. It is our understanding that the sunshade and its connections will be pre-engineered products and that our scope of work will be limited to coordinating the sunshade with the PEMB manufacturer and providing structural performance specifications for the sunshades.

It is our understanding that all of structures described above will be supported on shallow foundations.

Our services will be subdivided into six (6) Tasks defined as follows:

Task 1: Design Development – Welcome Center

We will provide structural engineering consulting services consisting of providing you with preliminary opinions regarding structural systems for the welcome center during the period in which you are developing your 30% design documents. Based on our recent meeting, this task will consist of telephone discussions and the electronic exchange of concept sketches.

The fee for Task 1: Design Development Preliminary Design – Welcome Center, is a lump sum fee of Two Thousand Dollars (\$2,000.). We will invoice monthly for the portion of work completed that month.

Task 2: Final Design & Preparation of Structural Construction Drawings – Welcome Center

We will perform final design based on the Florida Building Code, 5th Edition (2014), and preparation of structural construction drawings to include:

- Structural General Notes and Design Criteria
- Foundation plan
- First floor slab-on-grade plan
- Second floor framing plan
- Roof framing plan
- Masonry wall reinforcing
- Framing and foundation sections and details
- Nassau County structural product approval information

We anticipate up to two meetings for coordination during this Task. It is our intention to include structural specifications within the drawings. If a specification book is required, we will provide you with a Microsoft Word file for each structural specification section.

The fee for Task 2: Final Design and Preparation of Structural Construction Drawings – Welcome Center, is a lump sum fee of Twenty Eight Thousand Dollars (\$28,000.). We will invoice monthly for the portion of work completed that month.

Task 3: Final Design & Preparation of Structural Construction Drawings – Meeting Room

We will perform final design based on the Florida Building Code, 5th Edition (2014), and preparation of structural construction drawings to include:

- Structural General Notes and Design Criteria
- Foundation plan
- First floor slab-on-grade plan
- Equipment mezzanine framing plan
- Glass wall framing elevation
- Framing and foundation sections and details
- Nassau County structural product approval information

We anticipate up to two meetings for coordination during this Task and that these meetings will coincide with the meetings referenced in Task 3 above. If these meetings do not coincide, additional fees will apply.

It is our intention to include structural specifications within the drawings. If a specification book is required, we will provide you with a Microsoft Word file for each structural specification section.

The fee for Task 3: Final Design and Preparation of Structural Construction Drawings – Meeting Room, is a lump sum fee of Four Thousand Dollars (\$4,000.). We will invoice monthly for the portion of work completed that month.

Task 4: Structural Construction Administration – Welcome Center

We will respond to RFI's during construction, review material testing reports, and review the following structural shop drawings:

- Concrete Mix Designs
- Foundation reinforcing
- Masonry wall reinforcing
- Masonry wall accessories
- Precast hollowcore slabs
- Structural steel
- Steel joists (if required)
- Steel decking
- Structural light gauge metal framing
- Pre-engineered sunshades
- Pre-engineered "tail" structure

The fee for Task 4: Structural Construction Administration – Welcome Center is a lump sum fee of Ten Thousand Dollars (\$10,000.). We will invoice monthly for the portion of work completed the previous month.

Task 5: Structural Construction Administration – Meeting Room

We will respond to RFI's during construction, review material testing reports, and review the following structural shop drawings:

- Concrete Mix Designs
- Foundation reinforcing
- Structural steel
- Structural light gauge metal framing
- Pre-engineered sunshade

The fee for Task 5: Structural Construction Administration – Meeting Room is a lump sum fee of Two Thousand Dollars (\$2,000.). We will invoice monthly for the portion of work completed the previous month.

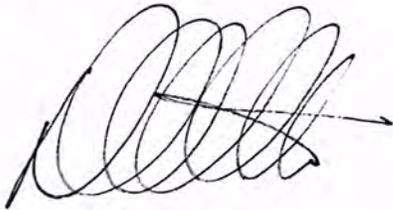
Task 6: Site Observations (Optional)

If requested, we will perform structural site observations during construction. We will prepare a brief written Field Observation Report summarizing each site observation. At this time we anticipate six (6) site observations during construction.

The fee for Task 6: Site Observations is a lump sum fee of Seven Hundred Dollars per observation (\$700./each); due in full when we transmit an electronic copy of the Field Observation Report to your office.

Thank you for your consideration of this proposal. Please call us if you have any questions or comments. To accept this proposal, please sign in the space provided below and return a copy to our Jacksonville office.

Sincerely,



Daniel J. Charletta, P.E.
CEO

DJC:gtz

Accepted By _____

On the ____ day of _____, 2016

Task 1 _____
 (Initial)

Task 2 _____
 (Initial)

Task 3 _____
 (Initial)

Task 4 _____
 (Initial)

Task 5 _____
 (Initial)

Task 6 _____
 (Initial)

BOGGS



PLANNING + LANDSCAPE ARCHITECTURE

Boggs Planning + Landscape Architecture
100 Avenue A, Suite 2E
Fort Pierce, Florida 34995

July 6, 2016

Passero Associates
13453 N. Main Street
Suite 104
Jacksonville, Florida 32218
Attn: Chris Nardone, RA

Re: Proposal of Services – Fernandina Municipal Airport
Our Ref. No. 1409

Dear Mr. Nardone:

This agreement shall serve as authorization for **Boggs Planning + Landscape Architecture**, herein referred to as the “Consultant” to **Passero Associates**, herein referred to as the “Client”, to provide landscape architectural services for the project known as Fernandina Municipal Airport, located in Fernandina Beach, Florida. It is our understanding that we will provide the following specific services:

SCOPE OF SERVICES

Landscape and Irrigation

- Preparation of landscape plan per Fernandina Beach landscape code.
- Coordination with Client and Owner during landscape plan preparation; revisions to landscape plan based on comments; preparation of final signed and sealed landscape plan for City submittal. Plan will conform to City requirements, with any additional landscape included as requested by the Owner not required by code. (building foundation, entryway, etc.)
- Revisions to landscape plan based on staff review comments, and preparation of resubmittal signed and sealed landscape plan; coordination with Client.
- Preparation of irrigation plan and specification for landscaped area. Plan and specifications will be prepared after governmental approval of landscape plan.

FEES (Fixed Fee):

Fees shall be billed on a fixed fee basis in the amount of **\$4,250.00**. Fees shall be billed monthly on a percentage of completion basis, and are due upon receipt. Consultant shall not exceed the estimated fee without prior written or verbal authorization from client. Fixed fees may be increased based on changes or additions to the proposed Scope of Services; Hourly fee @ \$125.00/hour used for tasks outside this Scope of Services.

EXPENSES:

Reimbursable expenses may include: travel expenses, courier, and outside vendors, and shall be billed on a monthly basis in addition to professional services fees; expenses to be prior approved by Client. Typical costs for reproduction/blueprints, mailings and phone calls are included in fixed fee.

ADDITIONAL SERVICES:

Additional services required as a result of substantial changes in the established project program or concept, unforeseen constraints or as requested by the Client will be billed at an hourly rate of \$125.00, or at agreed upon fixed rate. Staff meetings and City Commission meeting attendance and representation not included in this agreement; travel and inspection services not included.

TERMS:

Invoices shall be considered past due thirty (30) days from the date of billing. Work process shall stop after account is thirty (30) days in arrears. In connection with any litigation, including appellate proceedings arising out of this Agreement, the prevailing party shall be entitled to recover an amounts due and/ or unpaid, together with costs, interest and reasonable attorney's fees. In the event any invoice or any portion thereof remains unpaid for more than thirty (30) days following invoice date, the Consultant may initiate collection and/or legal proceedings to collect the same. Any sum due the Consultant which is not paid within thirty (30) days after submission of an invoice shall bear interest at a rate of one and one-half percent (1-1/2%) per month from the date of submission of the invoice until paid in full. The parties acknowledge that a substantial portion of anticipated performance of this agreement shall occur in Nassau County, Florida and that, therefore, without limiting the jurisdiction or venue of any other federal or state courts, each of the parties irrevocably and unconditionally (a) agrees that any suit, action or other legal proceeding arising out of or relating to this Agreement may be brought in the courts of record of the State of Florida in Nassau County; 9b) consents to the jurisdiction of such court in any such suit, action or proceeding; and (c) waives any objection which he or she may have to the laying of venue of any such suit, action, or proceeding in such court. The Client understands and agrees that if all fees and reimbursable expenses are not paid, that after the conclusion and/or termination of the representation, the Consultant may report such non-payment to the appropriate credit reporting agencies. In addition, the Client understands and agrees that after the conclusion and/ termination of the representation, the Consultant may assign any unpaid fees and costs to an appropriate collection agency for collection, or initiate a collection action itself.

All original drawings and information are to be the property of the Consultant .The Client will be provided blueprints and copies of final product. Information and materials developed cannot be used by the Consultant for the benefit of any third party without Client authorization.

Technical and pricing information in this proposal is confidential and the proprietary property of the Consultant, and is not to be disclosed or made available to third parties without the written consent of the Consultant. All plans, documents, and graphics are to be considered accepted after submittal to the appropriate governing jurisdiction. The consultant will not be responsible for government certification of our landscape designs or other associated planting or site problems if not contracted to provide site inspection services during plant installation.

The obligation to provide further services under this Agreement may be terminated by the client upon thirty (30) days written notice in the event of any substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In the event of any termination, the Consultant will be paid for services rendered to the date of notice, all expenses subject to reimbursement hereunder, and other reasonable expenses incurred by the Consultant as a result of such termination. The fee and timing for the quote above is valid for a period of thirty (30) days from the date of this contract.

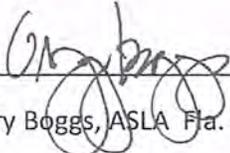
In the event the Consultant's compensation under this agreement is a fixed fee, upon such termination, the amount payable to the Consultant for the services rendered will be a proportional amount of the total fee based on the ratio of the amount the work done, as reasonably determined by the Consultant, to the total amount of services which was to have been performed, less prior partial payments, if any, which have been made.

RETAINER/SIGNATURE

Please sign and return the duplicate copy of this proposal and return along with the retainer in the amount of 0.00. Retain the original proposal for your records. Work will commence upon receipt of signed contract and retainer.

APPROVED AND ACCEPTED THIS _____ DAY OF _____, 2016

BOGGS PLANNING +LANDSCAPE ARCHITECTURE PASSERO ASSOCIATES

By:  _____
Gregory Boggs, ASLA Fla. #901

BY: _____
Client

BOGGS



PLANNING + LANDSCAPE ARCHITECTURE

Boggs Planning + Landscape Architecture
100 Avenue A, Suite 2E
Fort Pierce, Florida 34995

July 6, 2016

Passero Associates
13453 N. Main Street
Suite 104
Jacksonville, Florida 32218
Attn: Chris Nardone, RA

Re: Proposal of Services – Fernandina Municipal Airport Quonset Hut
Our Ref. No. 1410

Dear Mr. Nardone:

This agreement shall serve as authorization for **Boggs Planning + Landscape Architecture**, herein referred to as the “Consultant” to **Passero Associates**, herein referred to as the “Client”, to provide landscape architectural services for the project known as Fernandina Municipal Airport Quonset Hut, located in Fernandina Beach, Florida. It is our understanding that we will provide the following specific services:

SCOPE OF SERVICES

Landscape and Irrigation

- Preparation of landscape plan per Fernandina Beach landscape code.
- Coordination with Client and Owner during landscape plan preparation; revisions to landscape plan based on comments; preparation of final signed and sealed landscape plan for City submittal. Plan will conform to City requirements, with any additional landscape included as requested by the Owner not required by code. (play area, building foundation, etc.)
- Revisions to landscape plan based on staff review comments, and preparation of resubmittal signed and sealed landscape plan; coordination with Client.
- Preparation of irrigation plan and specification for landscaped area. Plan and specifications will be prepared after governmental approval of landscape plan.

FEES (Fixed Fee):

Fees shall be billed on a fixed fee basis in the amount of **\$2,000.00**. Fees shall be billed monthly on a percentage of completion basis, and are due upon receipt. Consultant shall not exceed the estimated fee without prior written or verbal authorization from client. Fixed fees may be increased based on changes or additions to the proposed Scope of Services; Hourly fee @ \$125.00/hour used for tasks outside this Scope of Services.

EXPENSES:

Reimbursable expenses may include: travel expenses, courier, and outside vendors, and shall be billed on a monthly basis in addition to professional services fees; expenses to be prior approved by Client. Typical costs for reproduction/blueprints, mailings and phone calls are included in fixed fee.

ADDITIONAL SERVICES:

Additional services required as a result of substantial changes in the established project program or concept, unforeseen constraints or as requested by the Client will be billed at an hourly rate of \$125.00, or at agreed upon fixed rate. Staff meetings and City Commission meeting attendance and representation not included in this agreement; travel and inspection services not included.

TERMS:

Invoices shall be considered past due thirty (30) days from the date of billing. Work process shall stop after account is thirty (30) days in arrears. In connection with any litigation, including appellate proceedings arising out of this Agreement, the prevailing party shall be entitled to recover an amounts due and/ or unpaid, together with costs, interest and reasonable attorney's fees. In the event any invoice or any portion thereof remains unpaid for more than thirty (30) days following invoice date, the Consultant may initiate collection and/or legal proceedings to collect the same. Any sum due the Consultant which is not paid within thirty (30) days after submission of an invoice shall bear interest at a rate of one and one-half percent (1-1/2%) per month from the date of submission of the invoice until paid in full. The parties acknowledge that a substantial portion of anticipated performance of this agreement shall occur in Nassau County, Florida and that, therefore, without limiting the jurisdiction or venue of any other federal or state courts, each of the parties irrevocably and unconditionally (a) agrees that any suit, action or other legal proceeding arising out of or relating to this Agreement may be brought in the courts of record of the State of Florida in Nassau County; 9b) consents to the jurisdiction of such court in any such suit, action or proceeding; and (c) waives any objection which he or she may have to the laying of venue of any such suit, action, or proceeding in such court. The Client understands and agrees that if all fees and reimbursable expenses are not paid, that after the conclusion and/or termination of the representation, the Consultant may report such non-payment to the appropriate credit reporting agencies. In addition, the Client understands and agrees that after the conclusion and/ termination of the representation, the Consultant may assign any unpaid fees and costs to an appropriate collection agency for collection, or initiate a collection action itself.

All original drawings and information are to be the property of the Consultant .The Client will be provided blueprints and copies of final product. Information and materials developed cannot be used by the Consultant for the benefit of any third party without Client authorization.

Technical and pricing information in this proposal is confidential and the proprietary property of the Consultant, and is not to be disclosed or made available to third parties without the written consent of the Consultant. All plans, documents, and graphics are to be considered accepted after submittal to the appropriate governing jurisdiction. The consultant will not be responsible for government certification of our landscape designs or other associated planting or site problems if not contracted to provide site inspection services during plant installation.

The obligation to provide further services under this Agreement may be terminated by the client upon thirty (30) days written notice in the event of any substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In the event of any termination, the Consultant will be paid for services rendered to the date of notice, all expenses subject to reimbursement hereunder, and other reasonable expenses incurred by the Consultant as a result of such termination. The fee and timing for the quote above is valid for a period of thirty (30) days from the date of this contract.

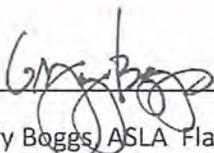
In the event the Consultant's compensation under this agreement is a fixed fee, upon such termination, the amount payable to the Consultant for the services rendered will be a proportional amount of the total fee based on the ratio of the amount the work done, as reasonably determined by the Consultant, to the total amount of services which was to have been performed, less prior partial payments, if any, which have been made.

RETAINER/SIGNATURE

Please sign and return the duplicate copy of this proposal and return along with the retainer in the amount of 0.00. Retain the original proposal for your records. Work will commence upon receipt of signed contract and retainer.

APPROVED AND ACCEPTED THIS _____ DAY OF _____, 2016

BOGGS PLANNING +LANDSCAPE ARCHITECTURE PASSERO ASSOCIATES

By:  _____
Gregory Boggs, ASLA Fla. #901

BY: _____
Client



MANZIE & DRAKE LAND SURVEYING



AUTHORIZATION FOR PROFESSIONAL SERVICES

DATE: July 11, 2016

PROJECT NAME: Welcome Center
Fernandina Beach Municipal Airport

CLIENT: Passero Associates
Attn. Patrick J. Honore, P.E.
13453 N. Main Street, Suite 104
Jacksonville, FL 32218

Client hereby request and authorizes Manzie & Drake Land Surveying to perform the following services:

SCOPE:
Topographic Survey of area shown on attachment.

COMPENSATION:
1. \$2,500

COMMENTS:
Work would take 1-2 weeks to complete.

PROTECT YOURSELF AND OR YOUR CLIENT AND INSIST ON PROFESSIONAL LIABILITY INSURANCE. THIS FIRM DOES CARRY PROFESSIONAL LIABILITY INSURANCE.

Services covered by this authorization shall be performed in accordance with the provisions stated on the back of this form. In some cases provisions may be attached.

Approved for Owner: _____ Accepted for Manzie and Drake Land Surveying:

By: _____

By: *Michael A. Manzie*
Michael A. Manzie, P.L.S.

(Please Sign and Print Name Above)

Title: _____

Title: President

Date: _____

Date: July 11, 2016

LEGACY ENGINEERING, INC

LEGACY ENGINEERING, INC
6424 BEACH BOULEVARD
JACKSONVILLE, FL 32216

904-721-1100 OFFICE
904-722-1100 FAX

July 8, 2016

Mr. Mike Cornell
Passero Associates
13453 North Main Street, Suite 104
Jacksonville, Florida 32218

RE: Proposal for Geotechnical Exploration
FNB Welcome Center/FBO
Fernandina Beach Municipal Airport
Fernandina Beach, Florida
Legacy Proposal #16-6449.1

Dear Mike:

Thank you again for allowing Legacy Engineering, Inc. the opportunity to provide this proposal to provide the geotechnical exploration for the new Welcome Center for the Fernandina beach Municipal Airport.

This proposal briefly describes our understanding of the proposed work, defines our proposed scope of geotechnical and drilling services for the project, and presents our proposed charges and schedule for the requested services.

PROJECT INFORMATION & PROPOSED SCOPE OF WORK

Project information was provided in your request for proposal. We were provided with a copy of the project plans, which included nice renderings of the proposed welcome center, meeting room and pavement areas. We understand that the purpose of this exploration is to help determine the existing subsurface soil conditions in the proposed construction areas.

Based on the provided plans, the proposed Welcome Center/FBO will consist of an airplane shaped 2-story structure, which will appear to look like a Corsair type aircraft. A quonset hut type structure will serve as the meeting hall. The Welcome Center/FBO will have an administrative wing, an FBO area, a shade hangar, and an entry area/porte-cochere. There will also be a Corsair aircraft display area, which includes a vintage Corsair aircraft supported in the air on a column. We are anticipating that the proposed welcome center and meeting hall will be supported on conventional foundations. It is anticipated that the structures will consist of cast-in-place concrete, concrete masonry and structural steel-framing. A parking area will be located adjacent to the entry way and the meeting hall.

Our proposed scope of work would include performing six (6) standard penetration test (SPT) borings in the proposed building areas to a minimum depth of 15 to 20 feet below the existing ground surface. For the pavement areas, we will also perform a total of six (6) auger borings to a depth of 6 feet below the existing ground surface.

Laboratory tests including natural moisture content, percent fines content and/or organic content tests will be performed on selected soil samples. The purpose of these tests is to help aid in the identification of the types of soils present below the existing pavement section.

GEOTECHNICAL REPORT

Following the completion of the field work and any laboratory testing work, a written report will be provided. The report will provide the field test data and the results of any laboratory testing performed. The written report will contain the following information:

1. A brief overview of the existing project conditions.
2. A description of the field and laboratory test procedures used and the test results.
3. A presentation of the existing subsurface conditions including encountered groundwater levels.
4. An engineering evaluation of the site and subsurface conditions with respect to the proposed construction.
5. Provide site preparation and earthwork recommendations.
6. Calculate the estimated settlement for the maximum soil bearing pressures.
7. Provide recommendations for pavement section design.
8. Provide recommendations for quality control testing services.

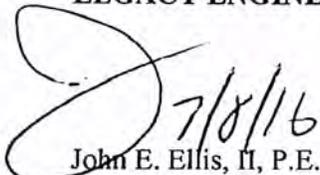
With regards to scheduling, we can schedule to start the field work within a few days upon receiving your authorization to proceed. We are anticipating that the field work should take less than 3 working days to complete. A written report should be available within 5 days after completing any laboratory testing work.

We are proposing to perform the field and laboratory services and provide a written report as outlined above for a total proposed fee of \$3,158.00. A breakdown of the actual costs is attached. If we encounter any unforeseen conditions at the site that may require additional services, we will notify you immediately. Any additional services must be authorized by the Client.

CLOSURE

Thank you again for allowing Legacy Engineering, Inc. the opportunity to provide this proposal. If you should have any questions regarding this proposal, our prices or services offered, please contact us at (904) 721-1100.

Respectfully submitted,
LEGACY ENGINEERING, INC.


John E. Ellis, II, P.E.
President

JEE/meg
w/attachments

**PROPOSED CHARGES
WELCOME CENTER/FBO & MEETING HALL
FERNANDINA BEACH MUNICIPAL AIRPORT
FERNANDINA BEACH, FLORIDA
LEGACY PROPOSAL #16-6449.1**

A. MOBILIZATION	
Truck or Trailer Mounted Drill Rig	\$ 400.00
B. GEOTECHNICAL DRILLING & FIELD WORK	
1. SPT Borings	
Six (6) SPT borings @ 20 feet = 120 feet @ \$11.00/foot	\$ 1,320.00
2. Auger Borings	
Six (6) auger borings @ 6 feet = 36 feet @ \$8.00/foot	\$ 288.00
3. Site Layout – 2 Hours @ \$75.00/hour	\$ 150.00
C. LABORATORY TESTING	
Natural moisture content tests, fines content tests, organic content tests and Atterberg limits testing, Lab Budget	\$ 150.00
D. ENGINEERING AND GEOTECHNCIAL REPORT	
Site visits, review of soil samples, review of laboratory test results and boring logs and notes, drafting/prepare boring logs and test results, engineering and report, Lump Sum	\$ 850.00
SUMMARY OF PROPOSED CHARGES =	\$ 3,158.00

NOTES: Please note that access to the airport areas must be provided. Any notices to aircraft (i.e., closure notices) must be performed by the client and/or airport. We will gladly perform our field work around any scheduled use of the aprons, taxiways or runways.

RESOLUTION 2016-99

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING CONTINUING THE AGREEMENT WITH GABRIEL, ROEDER, SMITH & COMPANY FOR ACTUARIAL CONSULTING SERVICES FOR EVALUATION OF PENSION PLANS AS NEEDED AND PAYING OUTSTANDING INVOICE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City solicited proposals for Actuarial Consulting Services on the City of Fernandina Beach's website, Onvia DemandStar's website and in the Fernandina Beach Newsleader newspaper in accordance with City Purchasing Policies and Procedures; and

WHEREAS, five (5) proposals were received and opened on January 17, 2013; and

WHEREAS, with City Commission approval, the City Manager negotiated and executed an agreement with the number one ranked firm, Gabriel, Roeder, Smith & Company ("GRS"), who performed actuarial consulting services to evaluate the City's pension plans for a period of 1 year, and the contract expired April 24, 2014; and

WHEREAS, since April 2015, \$18,532 has been spent for replication of the Foster & Foster valuation results and modeling for scenarios depicting the effects of changes on pension plans, and GRS has submitted an additional invoice for \$4,305; and

WHEREAS, funding in the amount of \$25,000 is included in the City Manager Professional Services account # 001-1210-512.3100 in FY 2015/2016.

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

SECTION 1. The City Commission wishes to continue its relationship with GRS for actuarial consulting services on an as-needed basis and pay all outstanding invoices through August, 2016.

SECTION 2. This Resolution shall be effective immediately upon passage.

ADOPTED this 16th day of August, 2016.

CITY OF FERNANDINA BEACH

John A. Miller
Commissioner – Mayor

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

ATTEST:

Caroline Best
City Clerk

RESOLUTION 2016-100

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING THE SETTLEMENT AGREEMENT IN THE CASE OF KATHLEEN HEDGES V. CITY OF FERNANDINA BEACH; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in May, 2015, the City of Fernandina Beach was served with a complaint for *Kathleen Hedges v. City of Fernandina Beach*, Fourth Judicial Circuit Court Case No. 2014-CA-541; and

WHEREAS, Preferred Governmental Claim Solutions (PGCS), the third party claims administrator for Preferred Governmental Insurance Trust (PGIT) and the City's insurer, has requested that the City Commission approve a Settlement Agreement in the amount of \$15,000 with Ms. Kathleen Hedges.

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 Settlement Agreement in the case of *Kathleen Hedges v. City of Fernandina Beach*, Fourth Judicial Circuit Case No: 2014-CA-541.

SECTION 2. The City Manager and City Clerk are authorized to execute the Settlement Agreement and Releases, attached hereto as Exhibit "A", after review and approval by the City Attorney.

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

ADOPTED this 16th day of August, 2016.

CITY OF FERNANDINA BEACH

John A. Miller
Commissioner-Mayor

ATTEST:

Caroline Best
City Clerk

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

SETTLEMENT AGREEMENT AND RELEASES

KH
This Settlement Agreement and Release ("Agreement") is entered into between **Kathleen Hedges**, an individual residing in Florida ("Hedges"), and the **City of Fernandina Beach**, a Florida municipal corporation ("City"), each a "party" and together the "parties."

- A. Hedges is the plaintiff in a lawsuit against the City, which is currently pending in the Fourth Judicial Circuit in and for Nassau County, Florida, as *Hedges v. City of Fernandina Beach*, Case No. 14-CA-000541 ("Action").
- B. The Action arises out of an alleged electrical shock Hedges received when plugging in a fan at the City's recreational center. Hedges claims that the City negligently provided the fan for her use and seeks to recover damages she allegedly incurred as a result.
- C. The City denies liability.
- D. To avoid the time, expense, and uncertainty of litigation, the parties desire to fully resolve the Action on the terms set forth in this Agreement.

In consideration of the promises contained in this Agreement and other consideration, the parties agree as follows:

- 1. **Binding on Successors, Agents, Etc.** This Agreement is binding on the parties, all persons and entities who may claim by or through them, and their respective representatives, agents, successors, assigns, and insurers.
- 2. **Settlement Payment.** The City (or the City's insurer, Preferred Governmental Insurance Trust, on the City's behalf) shall pay Hedges \$15,000 ("Settlement Payment") within 10 days after this Agreement's Effective Date (as defined below). The Settlement Payment will be made out and delivered to Hedges' attorneys, Farah & Farah ("Firm").
- 3. **Dismissal of Action with Prejudice.** Hedges shall dismiss the Action with prejudice within 5 days after the Firm receives the Settlement Payment by filing a notice a notice of voluntary dismissal with prejudice.
- 4. **Releases by Hedges.** Expressly contingent on the City's full performance of its obligations under this Agreement, Hedges (for herself and for all other persons and entities identified in paragraph 1 with respect to Hedges):
 - a. Completely releases, waives, and forever discharges any and all claims,

rights, demands, actions, or causes of action, of every kind whatsoever, whether known or unknown, foreseen or unforeseen, foreseeable or unforeseeable, which she may have against the City (and all other persons and entities identified in paragraph 1 with respect to the City). The inclusion or omission of specific types of claims in the above list is not intended to limit in any way the general and comprehensive scope of this release. The claims released include, but are not limited to, all claims relating to the subject of the Action.

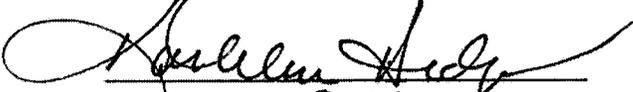
- b. Completely releases, waives, and forever discharges any and all claims, rights, demands, actions, or causes of action, of every kind whatsoever, whether known or unknown, foreseen or unforeseen, foreseeable or unforeseeable, which she may have against the City's insurer, Preferred Governmental Insurance Trust, relating only to the subject of the Action.
5. **Releases by City.** Expressly contingent on Hedges' full performance of her obligations under this Agreement, the City (for itself and for all other persons and entities identified in paragraph 1 with respect to the City) completely releases, waives, and forever discharges any and all claims, rights, demands, actions, or causes of action, of every kind whatsoever, whether known or unknown, foreseen or unforeseen, foreseeable or unforeseeable, which it may have against Hedges (and all other persons and entities identified in paragraph 1 with respect to Hedges). The inclusion or omission of specific types of claims in the above list is not intended to limit in any way the general and comprehensive scope of this release. The claims released include, but are not limited to, all claims relating to the subject of the Action.
6. **Litigation Fees and Costs.** Except as provided in paragraph 2, each party agrees to bear its own fees and costs incurred in connection with the Action.
7. **No Admission of Liability.** This Agreement is made to avoid the time, expense, and uncertainty of litigation and is not an admission of liability by the City.
8. **Effective Date.** This Agreement will become effective on the date the last party signs it, as indicated by the date stated under that party's signature ("Effective Date"). The City representative shall execute this Agreement only after receiving all necessary authorizations from the City Commission.
9. **Entire Agreement.** This Agreement sets forth the entire agreement between the parties and supersedes any and all prior agreements or understandings, written or oral, between the parties relating to the subject matter.

10. **Miscellaneous.**

- a. This Agreement shall be governed by and construed in accordance with Florida law.
- b. This Agreement is made in settlement of claims and may not be introduced into evidence in any legal proceeding except to enforce or interpret its terms.
- c. In any legal proceeding between the parties arising out of or relating to this Agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees, costs, and expenses from the other party.
- d. This Agreement may be executed by the parties in multiple counterparts. Facsimile and scanned signatures are binding on the parties as if they were original signatures.
- e. The parties have had a full opportunity to review this Agreement with their respective attorneys, understand its terms, and intend to be bound by it.

The parties have executed this Agreement on the date(s) set forth below.

KATHLEEN HEDGES


Date: 7-25-10

CITY OF FERNANDINA BEACH

By: _____
Its: _____
Date: _____

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT:

Resolution 2016-96
Budget Amendment & Award of Bid #16-11 – Arctic Air of Northern Florida, LLC

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **Approve Resolution 2016-96**

SYNOPSIS: The City solicited bids for the Peck Gymnasium Ductwork. Requests for sealed bids were advertised in the newspaper according to City purchasing policies and procedures. One bid was received and opened on July 26, 2016, in the amount of \$67,000 for Stage 1 and \$98,000 for both Stages 1 & 2. There are substantial savings in completing Stage 1 & Stage 2 together rather than consecutively. This Resolution recommends awarding Bid #16-11 to Arctic Air of Northern Florida, LLC.

The system that is currently in place has failed and is in need of replacement. Staff purchased and installed two 20 ton package units on the south end of the gymnasium. Staff worked with an engineering firm on the design and bid specifications for a new ductwork system.

The expected completion date is September 15, 2016.

FISCAL IMPACT: Funds in the amount of \$26,000 are available in account 300-3000-572.6494, Peck Gym Improvements. Funding is available elsewhere by transferring \$45,000 from account 300-3000-572.6502, Waterfront Park; \$9,500 from account 300-3000-572.6238, Peck Center Improvements; and \$20,000 from 300-3000-572.6493, ARC Improvements.

2016/2017 CITY COMMISSION GOALS: (As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend the City Commission adopt Resolution 2016-96.

DEPARTMENT DIRECTOR	Submitted by: Jeremiah Glisson <i>JG</i> Maintenance Director	Date: 7/29/16
CONTROLLER	Approved as to Budget Compliance <i>STC</i>	Date: 7/29/16
CITY ATTORNEY	Approved as to Form and Legality <i>TEB</i>	Date: 8/8/16
CITY MANAGER	Approved Agenda Item for 8/16/16	Date: 8/2/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

RESOLUTION 2016- 96

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AWARDED BID #16-11 FOR THE PECK GYMNASIUM DUCTWORK; APPROVING AN AMENDMENT TO THE BUDGET FOR FISCAL YEAR 2015/2016; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, staff worked with outside engineers on designing a new ductwork system for the Peck gymnasium; one submittal was received in response to Bid #16-06 for the Peck Gymnasium Ductwork on May 12, 2016, in the amount of \$110,923; and

WHEREAS, due to limited responses, staff worked with engineering revising the bid specifications and subsequently published Bid #16-11; and

WHEREAS, one submittal was received in response to Bid #16-11 on July 27, 2016, in the amount of \$98,000; and

WHEREAS, staff recommends the following budget amendment to allow for sufficient funding in the Peck Gym Improvements account, 300-3000-572.6494: a transfer of \$45,000 from the Waterfront Park account, 300-3000-572.6502, a transfer of \$9,500 from the Peck Center Improvements account, 300-3000-572.6238 and a transfer of \$20,000 from the ARC Improvements account, 300-3000-572.6493.

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 award of Bid #16-11 to Arctic Air of Northern Florida, LLC in the amount of \$98,000.

SECTION 2. The City Commission hereby approves the budget transfer of \$45,000 from the Waterfront Park account, 300-3000-572.6502, a transfer of \$9,500 from the Peck Center Improvements account, 300-3000-572.6238 and a transfer of \$20,000 from the ARC Improvements account, 300-3000-572.6493, to the Peck Gym Improvements account, 300-3000-572.6494.

SECTION 3. The City Manager and the City Clerk are hereby authorized to execute all documentation pertaining to the award of this bid upon review and approval of the City Attorney.

SECTION 4. This Resolution shall become effective immediately upon passage.

ADOPTED this 16th day of August, 2016.

CITY OF FERNANDINA BEACH

John A. Miller
Mayor – Commissioner

ATTEST:

Caroline Best
City Clerk

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

**CITY OF FERNANDINA BEACH
REQUEST FOR BUDGET AMENDMENT**

BUDGET AMENDMENT NUMBER:

DATE: 7/28/2016

DEPARTMENT: Capital Improvement Fund

REQUEST THAT THE ADOPTED BUDGET FOR THE FOLLOWING ACCOUNTS BE AMENDED:

FROM	TO	AMOUNT
300-3000-572.6502 Waterfront Park	300-3000-572.6494 Peck Gym Improvements	45,000
300-3000-572.6238 Peck Center Improvements	300-3000-572.6494 Peck Gym Improvements	9,500
300-3000-572.6493 ARC Improvements	300-3000-572.6494 Peck Gym Improvements	20,000

REASON FOR TRANSFER:

To transfer funds for higher than budgeted costs to replace the Peck Gym ductwork.

RECOMMENDATIONS/COMMENTS:

Patricia Wood 8/4/16
CONTROLLER DATE

CITY MANAGER DATE

CITY OF FERNANDINA BEACH BID OPENING

ITB #16-11 PECK GYMNASIUM DUCTWORK

7/26/2016 at 2pm

OPENED BY: WENDY GASKILL and JEREMIAH GLISSON

DATE/ TIME	COMPANY	LOCATION	EXBT A-G	BID TOTAL
7/27/16 11:26	Artic Air	Callahan	yes	\$67,000.00



PROPOSAL

Submitted To: CITY OF FERNANDINA BEACH	Date: 7/27/16	Date of Plans:
Address: 204 ASH STREET FERNANDINA BEACH, FL. 32034	Job Location: PECK CENTER	
	Job Name:	Job #:
Phone #:	Email:	

We hereby submit specifications and estimates for: PECK GYMNASIUM DUCT INSTALLATION

Condensing Unit:	Price: \$
Air Handler:	Discount: \$
Heater:	Rebate: \$
Thermostat:	Total: \$67,000.00 (1 SYSTEM)

Comments: THIS PROPOSAL INCLUDES NEW METAL DUCTING TO THE EXISTING AC UNIT FOR RETURN AND SUPPLY. ROOF AND PITCH POCKETS IF NEEDED WITH HANGERS. AS WELL AS: PERMITTING, MATERIAL, LABOR, HAUL OFF OF EXISTING MATERIAL, AND CLEAN UP.

1 YEAR LABOR WARRANTY

IF BOTH SYSTEMS ARE CHOSEN FOR THE DUCT INSTALLATION THE PRICE WILL BE REDUCED TO \$48,000 PER SYSTEM.

We propose hereby to furnish material and labor complete in accordance with the above specifications for the sum of: \$33,500.00 Dollars upon acceptance with final payment to be made on completion. Payments made by credit card will incur a 2% convenience fee.

Any alteration or deviation from above specification involving extra costs will be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. This proposal is valid for 30 days from the date stated above.

Respectfully submitted by: J. LATHROP

Note: This proposal may be withdrawn by us if not accepted within 30 days

Acceptance of Proposal

The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

Signature: _____

Date of Acceptance: _____



**CITY OF FERNANDINA BEACH, FLORIDA
INVITATION TO BID #16-11
PECK GYMNASIUM DUCTWORK INSTALLATION**

INTRODUCTION

The City of Fernandina Beach, Florida is accepting competitive sealed bids for the installation of an air conditioning ductwork for the Peck Center Gymnasium located at 516 South 10th Street.

All interested bidders are required to attend a **MANDATORY PRE-BID MEETING** to be held at the Peck Center Gymnasium, 516 South 10th St, Fernandina Beach, Florida on **July 20th, at 9am.**

The City will receive sealed bids at 204 Ash Street, Fernandina Beach, FL 32034 no later than **July 27th, at 2:00pm.**

Any submittal received after the above stated time and date will not be considered. It shall be the sole responsibility of the Bidder to have its Bid delivered to the City of Fernandina Beach, by U.S. Mail, hand delivery or any other method available to him/her; however, facsimile or electronic submittals will not be accepted. Delay in delivery shall be the sole responsibility of the Bidder. Submittals received after the deadline will not be considered. Award of the Bid is subject to authorization and appropriation of funds in the fiscal year 2015-2016 budget.

BIDDERS ARE REFERRED TO THE ATTACHED GENERAL CONDITIONS OF INVITATION TO BID FOR OTHER IMPORTANT INFORMATION REGARDING THE ITB AND BID PROCESS AND EXHIBITS.

The original bid submittal (**1 original, 3 copies**) must be delivered to City Hall in a sealed package, clearly marked on the outside. **ITB #16-11 and** addressed to:

City of Fernandina Beach
Attn: City Clerk's Office – **ITB# 16-11**
204 Ash Street
Fernandina Beach, FL 32034

Hand delivered Submittal is to be taken to the Clerk's Office at the above address.

The bid shall be submitted on the specified **Bid Form (1 original, 3 copies)**, hereto attached as "**Exhibit A**". The person signing the Bid Response Form shall have the authority to bind the proposer to the Bid. All information on the Bid form shall be provided, or the Bid may not be accepted.

The competitive sealed Bid shall be accompanied by a "Public Entity Crimes", herein provided as "Exhibit B", "Drug-Free Workplace Certification" herein provided as "Exhibit C", "E-Verify Statement" herein provided as "Exhibit D", "Conflict of Interest", herein provided as "Exhibit E", a "Non-Collusion Affidavit", herein provided as, "Exhibit F", "Dispute Disclosure Form", and herein provided as "Exhibit G".

SCOPE:

1.01 DESCRIPTION OF WORK

Furnish and install complete and operative duct system. Work shall include, but not be limited to the following:

- A. Installation of exterior and interior ductwork
- B. Installation of proper roof supports for exterior ductwork as specified in drawings
- C. License, permit and associated fees.

1.02 GUARANTEE

The contractor shall leave the entire installation in complete working order, free from any defective material, workmanship or finish. He shall guarantee to repair or replace, without charge, defects due to faulty workmanship or material for a period of one year from the date of filing of the Notice of Completion.

2.00 PRODUCTS

2.01 DUCTWORK

- A. Verify neck sizes on all air devices and equipment. Transition ductwork as necessary.
- B. Coordinate diffuser and return air locations as specified in drawings and/or owner.
- C. Backs of all diffusers shall be insulated.
- D. All main ducts shall be fabricated in accordance with SMACNA standards for low pressure duct.
- E. Insulate supply and return ducts with 2" thick fiberglass duct insulation for exterior applications. Insulation in unconditioned spaces shall have a minimum of an R-6 value. Apply at joints and seams general purpose finish fabric using Foster GPM-35-00 or equal.
- F. Duct construction shall be in accordance with SMACNA HVAC Duct Construction Standards, 3rd Edition – Galvanized Sheet Metal for exterior construction.
- G. Duct sizes shall suit equipment that is installed.
- H. All ductwork shall be supported as detailed and/or specified. Provide additional supports as required to provide a vibration-free, rigid installation.
- I. Interior duct, dampers, grilles, registers and diffusers shall be painted flat black
- J. Provide all transitions, turning vanes, elbows, fittings, etc., to allow smooth flows. All split duct fittings shall transition to full size of the sum of both branches, upstream of split.
- K. Maintain clearance of a minimum of 6-inches between ductwork, piping, equipment, etc., and all fire rated and fire/smoke rated partitions, to allow for inspections of rated walls.

- L. Interior ductwork to be spiral wound per SMACNA with minimum 1" rigid insulation, no flex duct may be used.
- M. Duct sock distribution system may be used. Please bid as an alternate.

2.02 DUCTWORK ACCESSORIES

- A. Turning Vanes shall comply with SMACNA HVAC Duct Construction Standards. All rectangular duct with mitered elbows shall be fitted with turning vanes.
- B. Spin-In-Fittings are not allowed. Use Crown model 616-D or similar collars for the round duct taps.
- C. Access Doors in Ductwork: Shall be Ventlock, Ductmate or approved equal, stamped or formed insulated access doors complete with all hardware and sealant.
- D. Joint Sealing:
 - 1. The following items are to be sealed with Hardcast DT tape and adhesive:
 - (a) Longitudinal and transverse seams of rectangular ductwork.
 - (b) All round fittings and joint connectors use FTA-20 for indoor use and RTA-20 for outdoor use.
- E. Bracings, hangers, nuts, etc. shall be galvanized.
- F. Curved elbows shall have centerline radius equal to one and one-half times duct width in plane of turn
- G. Square elbows shall have turning vanes.
- H. Volume dampers shall be constructed to SMACNA Standards and shall be integrated into the side-duct diffuser with opposing damper operation – see drawings.

TIMELINE

All work is to be completed by September 15, 2016. The contract may be amended to extend the time with the mutual agreement of both parties.

QUALIFICATIONS

In addition to any State required licensing, successful Bidder is required to have a Business License in the city where their home office is located. If Bidder's business office is located in the City of Fernandina Beach a business tax license is required.

EXAMINATION OF PLANS, SPECIFICATIONS AND SITE OF WORK

Bidders are required before submitting their bid to visit the site of the proposed work and familiarize themselves with the nature and extent of the work and any local conditions that may in any manner affect the work to be done and the equipment, materials and labor required. They are also required to examine carefully the plans and specifications and contract documents, and to inform themselves thoroughly regarding any and all conditions and requirements that may in any manner affect the work to be performed under the Contract. Ignorance on the part of the Bidder will in no way relieve them of the obligations and responsibilities assumed under the Contract.

AWARD

Award recommendation shall be made based on price and availability of product and/or service. The City reserves the right, based upon its deliberations and in its opinion, to accept or reject any or all proposals. The City also reserves the right to waive minor irregularities or variations to the specifications and in the bidding process.

BID PACKAGE

Bid Documents and Specifications can be downloaded online at www.fbfl.us, Bids and Purchasing web page. Any questions regarding the bid package can be directed to Wendy Gaskill at wgaskill@fbfl.org or (904) 310-3332.

CONTACT

Specification questions during the bid period shall be submitted in writing to the appropriate Department contact below with a copy to Wendy Gaskill at wgaskill@fbfl.org:

<u>Department</u>	<u>Contact</u>	<u>Email</u>
Maintenance	Jeremiah Glisson	jglisson@fbfl.org

Bidders are hereby put on notice that no contact shall be made with any of the City Commission members, other City staff, or others that may be involved in the selection process to discuss this request or to influence the outcome of the selection.

ADDENDA

A written response to bidder questions will be issued via Addendum and posted on the City's website at www.fbfl.us, Bids and Purchasing web page. It is the bidder's responsibility to check the City's website for Addenda prior to submitting their bid. The deadline for questions is 5 days before bid opening.

BIDDER SHALL SIGNIFY RECEIPT OF ADDENDA (IF ANY). Failure to Acknowledge Receipt of any Addendum may result in rejection of the bid.

INSURANCE REQUIREMENTS

Insurance requirements are outlined in the General Conditions of this Invitation to Bid.

BOND REQUIREMENTS

Bid bonds requirements are outlined in the General Conditions of this Invitation to Bid.

GENERAL CONDITIONS OF INVITATION TO BID
**** FOR CONSTRUCTION SERVICES ****

1. PREPARATION OF BID

- a. INVITATION TO BID shall be prepared in accordance with the following:
- b. The enclosed Bid Form, attached hereto as "Exhibit A", shall be used when submitting your INVITATION TO BID.
- c. All information required by the Bid Form shall be furnished. The Bidder shall print or type his/her name and manually sign the Form and any continuation sheet on which an entry is made.
- d. Unit prices shall be shown and where there is an error in extension of price, the unit price shall govern.
- e. Alternate Bids will not be considered unless authorized by the Invitation to Bid.
- f. Bidders will **not** include federal taxes nor State of Florida sales, excise, and use taxes in prices, as the City is exempt from payment of such taxes. An exemption certificate will be signed where applicable upon request.
- g. Bidders shall make all investigations necessary to thoroughly inform themselves about any and all conditions related to the performance of the contract. Plea of ignorance by the Bidder of conditions that exists or may hereafter exist as a result of failure or omission on the part of the Bidder to make the necessary examinations and investigations, or failure to fulfill in every detail the requirements provided for in the Purchasing Policy, Purchasing Ordinance and/or State and Federal Statutes. The City's Purchasing Ordinance is set forth in Chapter 2-420, *et seq.*
- h. Prices quoted must be FOB City of Fernandina Beach, Florida with all transportation charges prepaid unless otherwise specified in the Invitation to Bid.
- i. Deliveries are to be FOB Destination unless otherwise specified in the Invitation to Bid.
- j. Deliveries are to be made during regular business hours.
- k. Bids and Bid prices shall be valid for a minimum of ninety (90) days, unless otherwise stated on the INVITATION TO BID.

2. SUBMISSION OF BIDS

- a. Bids and changes thereto shall be enclosed in sealed envelopes & addressed as instructed on the Bid Form. The name and address of the Bidder, the date and hour of the Invitation to Bid opening and the material or service shall be placed on the outside of the envelope.
- b. INVITATION TO BID must be submitted on the forms furnished. Electronic Bids will not be considered.

3. REJECTION OF BIDS

- a. The City reserves the right to accept or reject any or all Bids, to waive irregularities and technicalities, and to request resubmission or to re-advertise for the services. The City shall be the sole judge of the submittals. The City's decision shall be final.

4. WITHDRAWAL OF BIDS

- a. Bids may not be withdrawn after the time set for the opening for a period of time as specified.
- b. Bids may be withdrawn prior to the time set for the opening. Such request must be in writing.

5. LATE BIDS

- a. INVITATION TO BID and modifications received after the time set for the opening will not be considered.

- b. Modifications in writing received prior to the time set for the opening will be accepted.

6. LOCAL, STATE, AND FEDERAL COMPLIANCE

- a. Bidders shall comply with all local, state, and federal directives, orders and laws as applicable to the INVITATION TO BID and subsequent contract(s) including but not limited to Equal Employment Opportunity (EEO), Minority Business Enterprise (MBE), and OSHA as applicable to this contract.
- b. A "Public Entity Crimes Statement", in accordance with Florida Statutes, Section 287.133 (3) (a), on Public Entity Crimes, attached hereto as Exhibit "B", must be received at the time of the bid.
- c. A "Drug Free Workplace Certification" attached hereto as Exhibit "C", must be received at the time of the bid.
- d. The City of Fernandina Beach requires that the Bidder selected will not discriminate under the contract against any person, in accordance with federal, state and local government regulations.
- e. An "E-Verify Statement" attached hereto as Exhibit "D" must be received at the time of the bid.

7. COLLUSION

- a. The Bidder, by affixing his signature to the Bid Form, agrees to the following:

"Bidder certifies that his INVITATION TO BID is made without previous understanding, agreement, or connection with any person, firm or corporation making a Bid for the same item(s) and is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action".

8. AWARD OF INVITATION TO BID

- a. The INVITATION TO BID will be awarded to the qualified supplier with the best value Bid whose Bid, conforming to the INVITATION TO BID, is most advantageous to the City of Fernandina Beach, price and other factors considered.
- b. The City reserves the right to accept and award item by item, and/or by group, or in the aggregate.
- c. A written award of acceptance (Purchase Order), mailed or otherwise furnished to the successful Bidder shall result in a binding contract without further action by either party.
- d. Unless otherwise noted in the specifications, the length of the agreement shall be one year, with 2 one year renewals possible based on the mutual consent of the parties.
- e. Upon award, for construction projects, the Contractor will be required to complete/execute the City's Contract and General Conditions for Construction Services. An example of the contract can be found on the City's website at www.fbid.us, Bids and Purchasing web page.
- f. Agreement may be cancelled with 60 day notice unless otherwise stated in signed contract documents.

9. NOT RESPONSIBLE FOR COSTS

- a. The City shall not be responsible for any cost incurred by a prospective Bidder in responding to this INVITATION TO BID.

10. BONDS

- If Bid is less than \$100,000 no Bid Bond or Payment and Performance Bond required.
- If Bid is greater than \$100,000 and is for material only, a Bid Bond is required but no Payment and Performance Bond is required.
- If Bid is \$100,000 - \$200,000, and is for services, a Bid Bond is required but no Payment and Performance Bond is required.
- If Bid is greater than \$200,000, and is for services, both Bid Bond and Payment and Performance Bond are required.

BID BOND:

- a. If the Base Bid or the Base Bid plus the sum of any alternates fall into the criteria above requiring a Bid Bond, the bidder shall enclose a Certified Check or Bid Bond with each bid. A Certified Check or Bid Bond shall be for an amount not less than five percent (5%) of the Bid price and shall be made payable to the CITY OF FERNANDINA BEACH as a guarantee that the Bidder will not withdraw its bid for a period of ninety (90) calendar days after Bid closing time. Bid Bonds or Certified Checks will be returned to unsuccessful bidders within 10 days of bid award. Successful bidders will receive their Certified Check or Bid Bond after the contract/agreement has been signed and a Performance and Payment Bond is received.

PERFORMANCE AND PAYMENT BONDS:

- a. In the event the Contract is awarded to the Bidder, Bidder will thereafter enter into a written contract with the CITY OF FERNANDINA BEACH and furnish a Payment and Performance Bond in an amount equal to the contract price. The form of the bonds shall be in accordance with Section 255.05 of Florida Statutes. Failing to do so, Bidder shall forfeit its bid security.

Payment and Performance Bond shall be secured from or countersigned by an agency or surety company recognized in good standing and authorized to do business in the State of Florida.

The following exceptions to bidder providing Performance and Payment Bonds are as follows: In lieu of the Performance and Payment Bonds, a contractor may file with the City an alternative form of security in the form of cash, a money order, a certified check, a cashier's check, an irrevocable letter of credit, or a security of a type listed in part II of chapter 625, Florida Statutes. Any such alternative form of security shall be for the same purpose and be subject to the same conditions as those applicable to the bonds. The value of an alternative form of security shall be in the amount of the bid.

11. PUBLIC INFORMATION

- a. All information contained in this Bid is public information, and as such will be handled in accordance with the Florida Statutes.

12. ADDITIONAL INFORMATION

- a. The City reserves the right to require Bidders to provide references and information on previous similar experience prior to award of the contract.

13. QUESTIONS

- a. Any questions about the INVITATION TO BID should be communicated per instructions in the INVITATION TO BID.

14. INDEMNIFICATION AND INSURANCE

INDEMNIFICATION

The parties recognize that the Contractor is an independent contractor. The Contractor agrees to assume liability for and indemnify, hold harmless, and defend the City, its commissioners, mayor, officers, employees, agents, and attorneys of, from, and against all liability and expense, including reasonable attorney's fees, in connection with any and all claims, demands, damages, actions, causes of action, and suits in equity of whatever kind or nature, including claims for personal injury, property damage, equitable relief, or loss of use, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the Contractor, its agents, officers, contractors, subcontractors, employees, or anyone else utilized by the Contractor in the performance of this Agreement. The Contractor's liability hereunder shall include all attorney's fees and costs incurred by the City in the enforcement of this indemnification provision. This includes claims made by the employees of the Contractor against the City and the Contractor hereby waives its entitlement, if any, to immunity under Section 440.11, Florida Statutes. Such obligations contained in this provision shall survive termination of this Agreement and shall not be limited by the amount of any insurance required to be obtained or maintained under this Agreement.

Subject to the limitations set forth in this Section, Contractor shall assume control of the defense of any claim asserted by a third party against the City and, in connection with such defense, shall appoint lead counsel, in each case at the Contractor's expense. The City shall have the right, at its option, to participate in the defense of any third party claim, without relieving Contractor of any of its obligations hereunder. If the Contractor assumes control of the defense of any third party claim in accordance with this paragraph, the Contractor shall obtain the prior written consent of the City before entering into any settlement of such claim. Notwithstanding anything to the contrary in this Section, the Contractor shall not assume or maintain control of the defense of any third party claim, but shall pay the fees of counsel retained by the City and all expenses, including experts' fees, if (i) an adverse determination with respect to the third party claim would, in the good faith judgment of the City, be detrimental in any material respect to the City's reputation; (ii) the third party claim seeks an injunction or equitable relief against the City; or (iii) the Contractor has failed or is failing to prosecute or defend vigorously the third party claim. Each party shall cooperate, and cause its agents to cooperate, in the defense or prosecution of any third party claim and shall furnish or cause to be furnished such records and information, and attend such conferences, discovery proceedings, hearings, trials, or appeals, as may be reasonably requested in connection therewith. It is further the specific intent and agreement of said parties that all the Contract Documents on this Project are hereby amended to include the foregoing indemnification. CONTRACTOR expressly agrees that it will not claim, and waives any claim, that this indemnification violates Section 725.06, Florida Statutes or is unenforceable pursuant to Section 725.06, Florida Statutes.

Nothing contained in the foregoing indemnification shall be construed to be a waiver of any immunity or limitation of liability the CITY may have under the doctrine of sovereign immunity or Section 768.28, Florida Statutes.

INSURANCE

Prior to Award, the CITY of Fernandina Beach shall be furnished proof of insurance coverage as follows:

A. Certificate of Insurance

- The name of the insured, the name of the insurer, the number of the policy, its effective date, and its termination date;
- Statement that the insurer will mail notice to the CITY and a copy to CONTRACTOR at least thirty (30) days prior to any material changes in provisions, cancellation, renewal, or non-renewal of the policy;
- Certificate of Insurance shall be in the form as approved by the CITY, naming the CITY as additional insured, and such Certificate shall clearly state all the coverage required in this Section;
- If requested by the CITY, CONTRACTOR shall furnish complete copies of all insurance policies, forms and endorsements; and
- Receipt of certificates or other documentation of insurance or policies or copies of policies by the CITY or by any of its representatives which indicate less coverage than required by this agreement does not constitute a waiver of CONTRACTORS obligations to fulfill the requirements of this Section.

B. Workers' Compensation Insurance

CONTRACTOR shall have in full force, during the life of this agreement, Workers' Compensation and Employer's Liability Insurance for all its employees connected with work under this agreement, and in the event any work is subcontracted, CONTRACTOR shall require the subcontract similarly to provide Workers' Compensation Insurance for all of the latter's employees, unless such employees are covered by the protection afforded by CONTRACTOR. CONTRACTOR may provide a workers' compensation waiver in lieu of workers' compensation insurance where such waiver is properly approved by the Florida Department of Labor and employment Security and accepted by the CITY in writing. Such insurance or waiver shall comply with the Florida Workers' Compensation Law. In case any class of work conducted under this agreement is not protected under the Workers' Compensation statute, CONTRACTOR shall provide adequate insurance, satisfactory to the CITY, for the protection of employees not otherwise protected.

C. Liability Insurance

CONTRACTOR shall have in full force, during the life of this agreement, Commercial General Liability and Commercial Automobile Liability Insurance that shall protect the CITY from claims for damage for bodily injury and personal injury, including accidental death, as well as claims for property damages which may arise from tasks associated with or carried out under this agreement, whether such operations are by itself or by anyone directly or indirectly employed by them, and the amount of such insurance shall be minimum limits as follows:

- Commercial General Liability:
 - Minimum Coverage is \$1,000,000 per occurrence

- Coverage shall include premises, operations, products, completed operations, independent contractors, contractual liability covering this agreement, contracts and leases, broad form property damage coverage, personal injury and bodily injury.
 - If Umbrella or Excess liability coverage is used to satisfy the requirements of this Article, it shall not be more restrictive than the underlying insurance policy coverage.
- Commercial Automobile Liability:
 - Minimum Coverage is \$1,000,000 per occurrence
 - Coverage shall include bodily injury and property damage arising out of ownership, maintenance or use of any auto, including owned, non-owned and hired automobiles and employee non-ownership use.

15. PAYMENT

Payment due hereunder shall be made by the City to Vendor in accordance with the Florida Prompt Payment Act. The City's preferred method of payment is electronically by credit card/line. Upon award, Vendor will be contacted by the City's provider, Synovus, to participate in the City's electronic payments (AP Solutions) program. Vendor must state on Exhibit "A" Bid Form whether they accept credit card payments and provide their Accounting Department contact name, phone number and email address.

16. FEDERAL GRANT MONEY

In the event this project is funded with federal grant monies, contractors may not participate in the bid if contractor is listed in the Excluded Parties List System (EPLS) a federal suspension and debarment listing. <https://www.epls.gov/epls/search.do> . Vendor shall include copy of search results with bid or proposal.

EXHIBITS

EXHIBIT "A"	Contact Sheet/ Bid Form
EXHIBIT "B"	Public Entity Crimes
EXHIBIT "C"	Drug-Free Workplace Certification
EXHIBIT "D"	E-Verify Statement
EXHIBIT "E"	Conflict of Interest
EXHIBIT "F"	Non-Collusion Affidavit
EXHIBIT "G"	Disputes Disclosure

EXHIBIT "A"

ITB 16-11 BID FORM

CITY OF FERNANDINA BEACH ITB 16-11
PECK GYMNASIUM DUCTWORK INSTALLATION

Price is in accordance with the Specifications and the General Conditions of the ITB as provided.

RIGID DUCTWORK - PRICE PER PACKAGE UNIT: _____(Numeric)

RIGID DUCTWORK - PRICE PER PACKAGE UNIT:
_____ (Alpha)

DUCT SOCK DUCTWORK - PRICE PER PACKAGE UNIT: _____(Numeric)

DUCT SOCK DUCTWORK - PRICE PER PACKAGE UNIT:
_____ (Alpha)

Name: _____

Federal Taxpayer ID: _____

Mailing Address: _____

City, State, & Zip Code: _____

Telephone: _____ Fax: _____

Email Address: _____

Submitted By: _____

Title: _____

Vendor Accepts Credit Cards*: Yes No

Accounting Contact:
Name: _____ Title: _____

Email Address: _____ Phone: _____

*See preferred method of payment under "Payment" section of the General Conditions
THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "B"

TO GENERAL CONDITIONS TO ITB #16-11

CITY OF FERNANDINA BEACH, FLORIDA SWORN STATEMENT UNDER F.S. SECTION 287.133(3)(A), ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted with Bid, Proposal or Contract for _____.
2. This sworn statement is submitted by (entity) _____ whose business address is _____ and (if applicable) Federal Employer Identification Number (FEIN) is _____ (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: _____.)
3. My name is _____ and my relationship to the entity named above is _____.
4. I understand that a "public entity crime" as defined in Paragraph 287.133(a)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or any agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
5. I understand that "convicted" or "conviction" as defined in paragraph 287.133(a)(b), Florida Statutes, means finding of guilt or a conviction of a public entity crime with or without an adjudication of guilt, in any federal or state trial court of records relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
6. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
 1. A predecessor or successor of a person convicted of a public entity crime; or
 2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The City of Fernandina Beach, Florida ownership by one of shares constituting a controlling income among persons when not for fair interest in another person, or a pooling of equipment or income among persons when not for fair market value under a length agreement, shall be a prima facie case that one person controls another person. A person who was knowingly convicted of a public entity crime, in Florida during the preceding 36 months shall be considered an affiliate.

7. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of the state or of the United States with the legal power to enter into a binding contract for provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.

8. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies)

_____ Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. (Please attach a copy of the final order.)

_____ The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer determined that it was in public interest to remove the person or affiliate from the convicted vendor list. (Please attach a copy of the final order.)

_____ The person or affiliate has not been placed on the convicted vendor list. (Please describe any action taken by, or pending with, the Department of General Services.)

Signature

Date:

STATE OF FLORIDA

COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, after first being sworn by me, affixed his/her signature at the space provided above on this ___ day of _____, 201___, and is personally known to me, or has provided _____ as identification.

Notary Public

My Commission expires:

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "C"

TO GENERAL CONDITIONS TO ITB # 16-11 CITY OF FERNANDINA BEACH

DRUG-FREE WORKPLACE CERTIFICATION

The below-signed Proposer certifies that it has implemented a drug-free workplace program. In order to have a drug-free workplace prepare, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violation of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or services a copy of the statement specified in paragraph 1.
4. In the statement in paragraph 1., notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of nolo contendere to, any violation occurring in the workplace no later than five (5) working days after such conviction.
5. Impose a sanction on, or require fine satisfactory participation in drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign this statement, I Certify that this firm complies fully with the above drug-free workplace requirements.

COMPANY: _____

CITY: _____ STATE: _____ ZIP CODE: _____

TELEPHONE NUMBER(S): _____

SIGNATURE: _____

NAME(TYPED OR PRINTED): _____ TITLE: _____

THIS FORM MUST BE INCLUDED WITH PROPOSAL.

EXHIBIT "D"

**ITB 16-11
CITY OF FERNANDINA BEACH**

E-VERIFY STATEMENT

Bid/Proposal Number: _____

Project Description: _____

VENDOR acknowledges and agrees to the following:

VENDOR shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of:

1. All persons employed by the VENDOR during the term of the Contract to perform employment duties within Florida; and
2. All persons assigned by the VENDOR to perform work pursuant to the contract with the Department.

VENDOR: _____

Authorized Signature: _____

Title: _____

Date: _____

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "E"

CONFLICT OF INTEREST STATEMENT

This sworn statement is submitted with Bid, Proposal or Contract for _____.

This sworn statement is submitted by (entity) _____ whose business address is _____ and (if applicable) Federal Employer Identification Number (FEIN) is _____ (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: _____.)

My name is _____ and my relationship to the entity named above is _____. The above named entity is submitting a Proposal for the City of Fernandina Beach RFP# 16-09 described as (GAS AND DIESEL FOR CITY FLEET DIVISION, GOLF AND AIRPORT).

1. The Affiant has made diligent inquiry and provides the information contained in the Affidavit based upon his/her own knowledge.
2. The Affiant states that only one submittal for the above proposal is being submitted and that the above named entity has no financial interest in other entities submitting proposals for the same project.
3. Neither the Affiant nor the above named entity has directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraints of free competitive pricing in connection with the entity's submittal for the above proposal. This statement restricts the discussion of pricing data until the completion of negotiations if necessary and execution of the Contract for this project.
4. Neither the entity nor its affiliates, nor anyone associated with them, is presently suspended or otherwise ineligible from participation in contract letting by any local, State, or Federal Agency.
5. Neither the entity nor its affiliates, nor anyone associated with them have any potential conflict of interest due to any other clients, contracts, or property interests for this project.
6. I certify that no member of the entity's ownership or management is presently applying for an employee position or actively seeking an elected position with the City of Fernandina Beach.
7. I certify that no member of the entity's ownership or management, or staff has a vested interest in any aspect of the City of Fernandina Beach.
8. In the event that a conflict of interest is identified in the provision of services, I, on behalf of the above named entity, will immediately notify the City of Fernandina Beach.

Signature

Date:

STATE OF FLORIDA
COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, after first being sworn by me, affixed his/her signature at the space provided above on this ___ day of _____, 2016, and is personally known to me, or has provided _____ as identification.

Notary Signature

My Commission expires:

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "F"

Non-Collusion Affidavit

This sworn statement is submitted with Bid, Proposal or Contract for _____.

This sworn statement is submitted by (entity) _____ whose business address is _____ and (if applicable) Federal Employer Identification Number (FEIN) is _____ (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: _____.)

My name is _____ and my relationship to the entity named above is _____.

1. The above named is fully informed respecting the preparation and contents of the attached proposal and of all pertinent circumstances respecting such proposal;
2. Such Proposal is genuine and is not a collusive or sham proposal;
3. Neither the said Proposer nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, connived, or agreed, directly or indirectly, with any other Bidder, firm or person to submit a collusive or sham Proposal in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm, or person to fix the price or prices in the attached proposal or any other Bidder, or to fix any overhead, profit or cost element of the proposal price or the proposal price of any other Bidder, or to secure through any collusion, connivance, or unlawful agreement any advantage against the City of Fernandina Beach, Florida or any person interested in the proposed Contract; and
4. The price or prices quoted in the attached proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

Signature

Date:

STATE OF FLORIDA
COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who, after first being sworn by me, affixed his/her signature at the space provided above on this ___ day of _____, 2016 ___, and is personally known to me, or has provided _____ as identification.

Notary Signature

My Commission expires:

THIS FORM MUST BE INCLUDED WITH PROPOSAL

EXHIBIT "G"

DISPUTES DISCLOSURE FORM

Answer the following questions by placing an "X" after "YES" or "NO". If you answer "YES", please explain in the space provided, or via attachment.

Has your company or any of its officers, received a reprimand of any nature or been suspended by the Department of Professional Regulations or any other regulatory agency or professional association within the last five (5) years?

YES ___ NO ___

Has your company, or any member of your company, been declared in default, terminated or removed from a contract or job related to the services your company provides in the regular course of business within the last five (5) years?

YES _____ NO _____

Has your company had against it or filed any request for equitable adjustment, contract claims, bid protest, or litigation in the past five (5) years that is related to the services your company provides in the regular course of business?

YES _____ NO _____

If yes, state the nature of the request for equitable adjustment, contract claim, litigation, or protest, and state a brief description of the case, the outcome or status of the suit and the monetary amounts or extended contract time involved.

I hereby certify that all statements made are true and agree and understand that any misstatement or misrepresentation or falsification of facts shall be cause for forfeiture of rights for further consideration of this proposal for the City of Fernandina Beach.

VENDOR

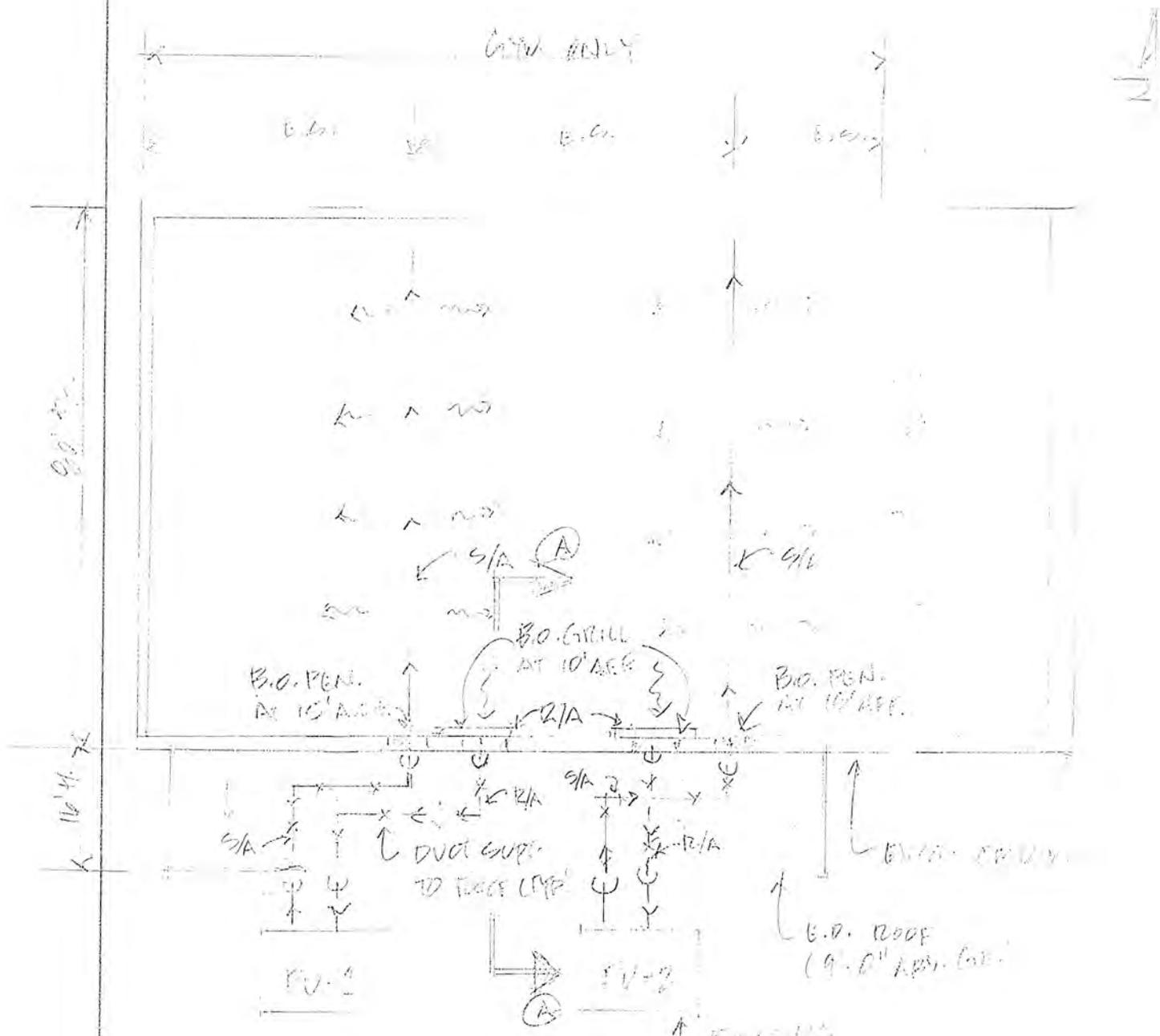
Date

Authorized Signature

Printed or Typed Name and Title

THIS FORM MUST BE INCLUDED WITH PROPOSAL

* PITCHED ROOF



1. ROOF SPAN BETWEEN SUPPORTS TO BE PER CONTROL CASE
2. CONSTRUCTION OF THE DUCT CURB TO FACE LWF
3. GRID PROFILES: PAGES 10 & 11 FOR S/A: 0.06 in/100 R/A: 0.08 in/100 E.O. D.P. 1/100

UPSIDE PLAN
(N.T.S.)

of previous work

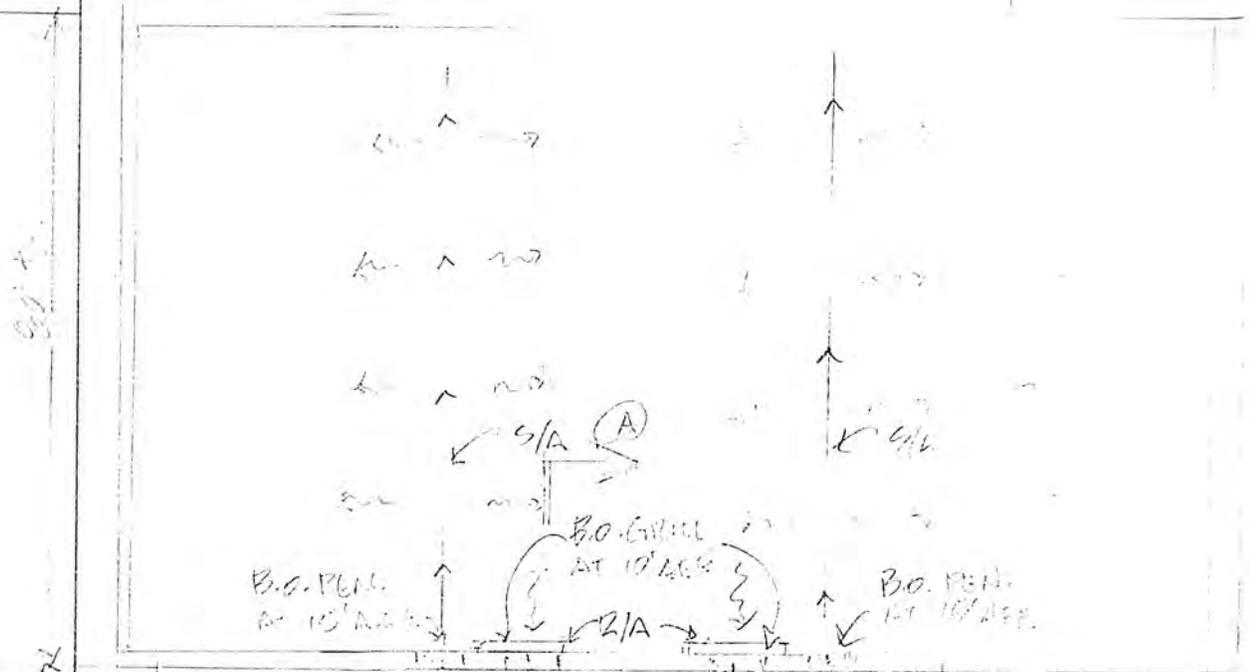


Grid only

B.O.

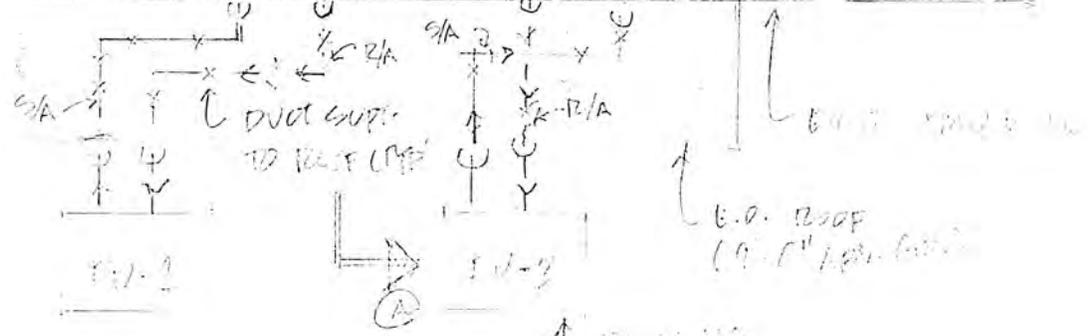
B.O.

B.O.



Grid 1

Grid 2



1. OVER SPAN BEYOND SUPPORTS TO BE KEPT SAME AS IN CASE

2. EQUATION TO BE USED TO DETERMINE BENDING MOMENT AT SUPPORTS

3. CHECK DEVELOPMENT LENGTHS: SA: 0.60 m/100 RA: 0.60 m/100 YA: 0.60 m/100

DRIFT RATIO (N.T.S.)

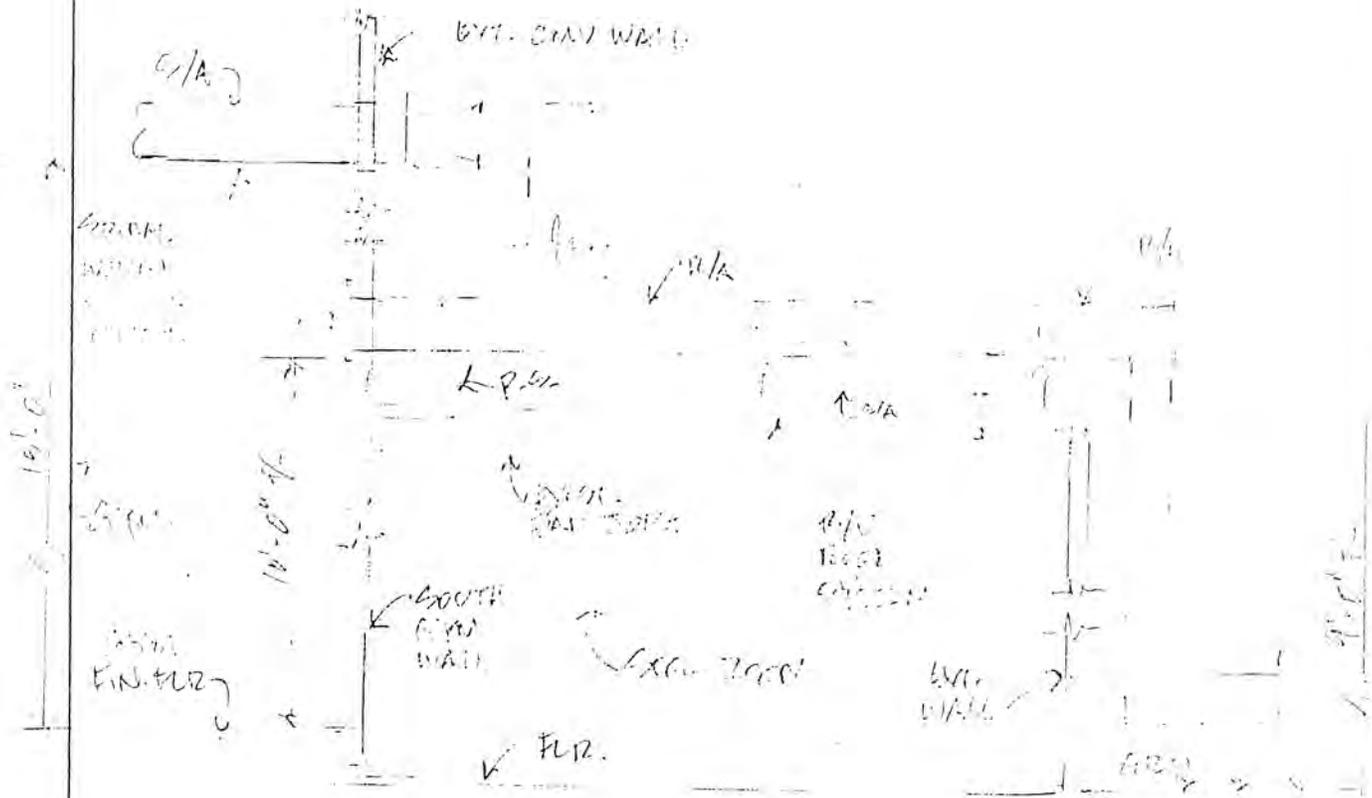
10/10

C.O.D. - P.C.M. WALL

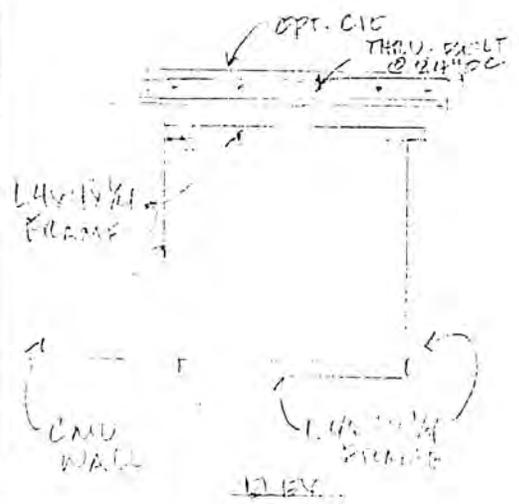
20/20/20

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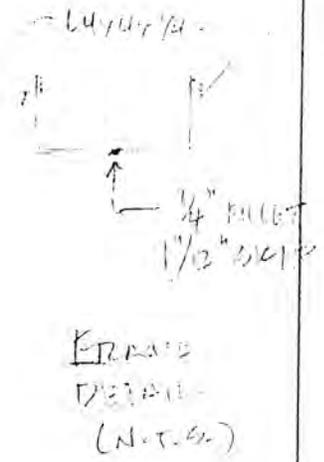
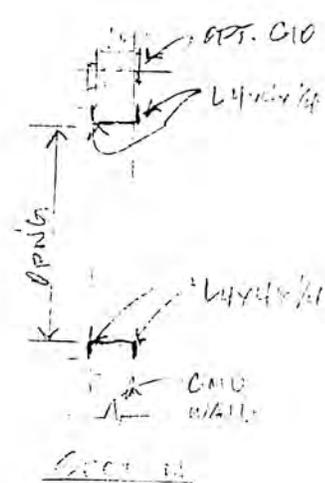
10/10/10



SECTION A-A
(N.T.S.)

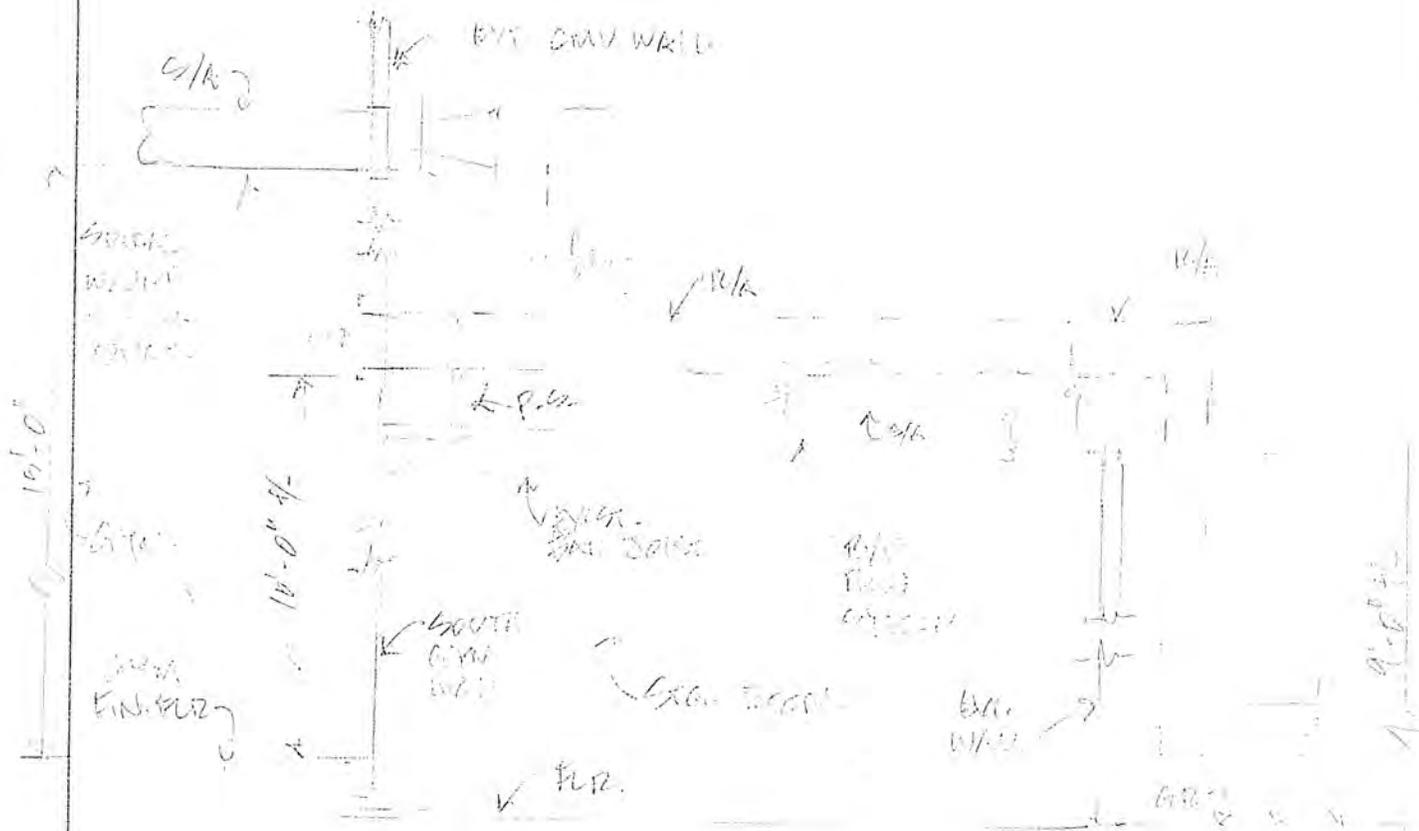


C.M.U. WALL
DETAIL
(N.T.S.)

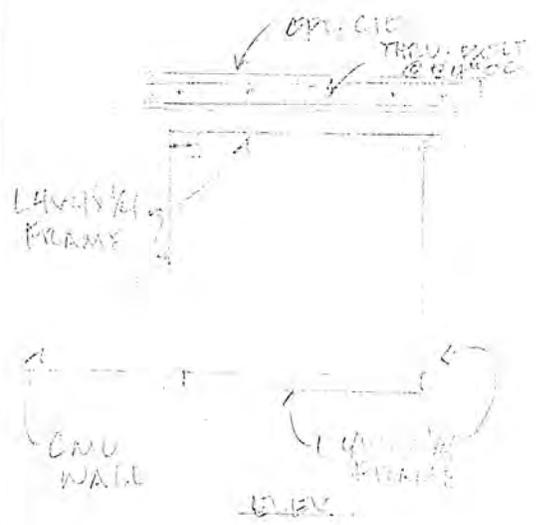


FRAME
DETAIL
(N.T.S.)

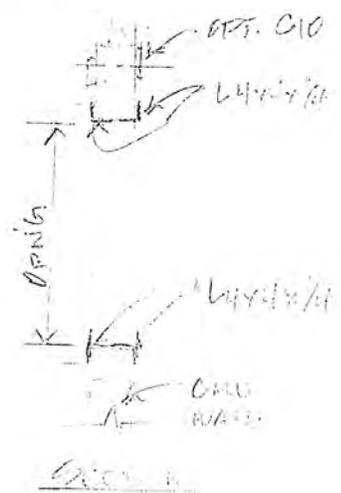
STAIRWELL CORNER



SECTION A-A (N.T.S.)



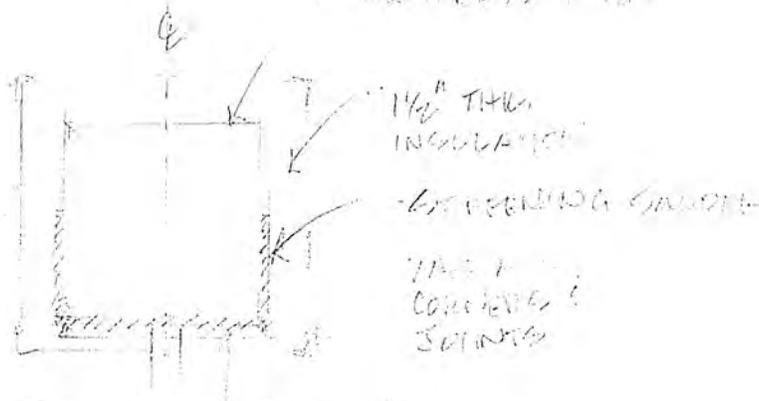
CMU WALL DETAIL (N.T.S.)



FRAME DETAIL (N.T.S.)

* TRILING ONLY *

LOW PRESSURE SWITCH



1 1/2" dia. 4/40

1-1/4" dia

10" x 12" x 1/2"

NEW POLY
SUPPORT

1/4" dia



BOLT, 4/40
NUT

DRIVE SHAFT

TOP BOLT SUPPORT
(N.T.S.)

- LIST
- 1. 1/2" dia. 4/40 BOLT
 - 2. 1/4" dia. 4/40 NUT
 - 3. 10" x 12" x 1/2" POLY SUPPORT
 - 4. ANGLE: 2 x 2 x 1/4"
 - 5. PIPE: 1/2" dia. x 1/4" wall
 - 6. T.S.: 1/2" dia. x 1/4" wall
 - 7. C-CHANNEL: 1/2" x 1/4" x 1/4"

EXHIBIT "A"

ITB 16-11 BID FORM

CITY OF FERNANDINA BEACH ITB 16-11
PECK GYMNASIUM DUCTWORK INSTALLATION

Price is in accordance with the Specifications and the General Conditions of the ITB as provided.

RIGID DUCTWORK - PRICE PER PACKAGE UNIT: 16,100 (Numeric)

RIGID DUCTWORK - PRICE PER PACKAGE UNIT:
16,100 (Alpha)

DUCT SOCK DUCTWORK - PRICE PER PACKAGE UNIT: 16,100 (Numeric)

DUCT SOCK DUCTWORK - PRICE PER PACKAGE UNIT:
16,100 (Alpha)

Name: Charles Hill of Maintenance Electric Inc

Federal Taxpayer ID: 46-5270504

Mailing Address: PO Box 1030

City, State, & Zip Code: Yulee, FL 32097

Telephone: 904-321-5111 Fax: 904-321-1881

Email Address: charles.hill@charleshill.com

Submitted By: Charles Hill

Title: Owner

Vendor Accepts Credit Cards*: Yes No

Accounting Contact:
Name: Charles Hill Title: Owner

Email Address: charles.hill@charleshill.com Phone: 904-321-5111

*See preferred method of payment under "Payment" section of the General Conditions

EXHIBIT "B"

TO GENERAL CONDITIONS TO ITB #16-11

CITY OF FERNANDINA BEACH, FLORIDA SWORN STATEMENT UNDER F.S. SECTION 287.133(3)(A), ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted with Bid, Proposal or Contract for _____.
2. This sworn statement is submitted by (entity) _____ whose business address is _____ and (if applicable) Federal Employer Identification Number (FEIN) is _____ (If a Sole Proprietor and you have no FEIN, include the last four (4) digits of your Social Security Number: _____.)
3. My name is _____ and my relationship to the entity named above is _____.
4. I understand that a "public entity crime" as defined in Paragraph 287.133(a)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or any agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
5. I understand that "convicted" or "conviction" as defined in paragraph 287.133(a)(b), Florida Statutes, means finding of guilt or a conviction of a public entity crime with or without an adjudication of guilt, in any federal or state trial court of records relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
6. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
 1. A predecessor or successor of a person convicted of a public entity crime; or
 2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The City of Fernandina Beach, Florida ownership by one of shares constituting a controlling income among persons when not for fair interest in another person, or a pooling of equipment or income among persons when not for fair market value under a length agreement, shall be a prima facie case that one person controls another person. A person who was knowingly convicted of a public entity crime, in Florida during the preceding 36 months shall be considered an affiliate.

EXHIBIT 10

**TO GENERAL CONDITIONS TO ITB # 16-11
CITY OF FERNANDINA BEACH**

DRUG-FREE WORKPLACE CERTIFICATION

The below-signed Proposer certifies that it has implemented a drug-free workplace program. In order to have a drug-free workplace prepare, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violation of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or services a copy of the statement specified in paragraph 1.
4. In the statement in paragraph 1., notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of nolo contendere to, any violation occurring in the workplace no later than five (5) working days after such conviction.
5. Impose a sanction on, or require fine satisfactory participation in drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign this statement, I Certify that this firm complies fully with the above drug-free workplace requirements.

COMPANY: John W. & Associates, Inc.

CITY: Fernandina Beach STATE: FL ZIP CODE: 32034

TELEPHONE NUMBER(S): 904-251-1111

SIGNATURE: [Signature]

NAME(TYPED OR PRINTED): John W. & Associates, Inc. TITLE: Proposer

EXHIBIT "D"

ITB 16-11 CITY OF FERNANDINA BEACH

E-VERIFY STATEMENT

Bid/Proposal Number: ITB 16-11

Project Description: ITB 16-11

VENDOR acknowledges and agrees to the following:

VENDOR shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of:

1. All persons employed by the VENDOR during the term of the Contract to perform employment duties within Florida; and
2. All persons assigned by the VENDOR to perform work pursuant to the contract with the Department.

VENDOR: Amey Am of Fernandina Beach, FL

Authorized Signature: [Signature]

Title: [Title]

Date: 1/27/2016

EXHIBIT "G"

DISPUTES DISCLOSURE FORM

Answer the following questions by placing an "X" after "YES" or "NO". If you answer "YES", please explain in the space provided, or via attachment.

Has your company or any of its officers, received a reprimand of any nature or been suspended by the Department of Professional Regulations or any other regulatory agency or professional association within the last five (5) years?

YES ___ NO X

Has your company, or any member of your company, been declared in default, terminated or removed from a contract or job related to the services your company provides in the regular course of business within the last five (5) years?

YES ___ NO X

Has your company had against it or filed any request for equitable adjustment, contract claims, bid protest, or litigation in the past five (5) years that is related to the services your company provides in the regular course of business?

YES ___ NO X

If yes, state the nature of the request for equitable adjustment, contract claim, litigation, or protest, and state a brief description of the case, the outcome or status of the suit and the monetary amounts or extended contract time involved.

I hereby certify that all statements made are true and agree and understand that any misstatement or misrepresentation or falsification of facts shall be cause for forfeiture of rights for further consideration of this proposal for the City of Fernandina Beach.

Archie M. St. Nicholas, President, LLC 1/11/16
VENDOR Date

[Signature] Jason Williams, Owner
Authorized Signature Printed or Typed Name and Title

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Resolution 2016-97**
 Agreement Approval – The ARCO Group, Inc.

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **Approve Resolution 2016-97**

SYNOPSIS: The City has leased server rack space and internet access from Florida Technology Managed Services (FTMS) at ColoCSX Data Center on an annual basis since March, 2012 (Resolution 2014-35). The ARCO Group, Inc. recently acquired FTMS. The City wishes to keep the servers in their present location.

The attached agreement with The ARCO Group, Inc. is for a contract period of two years at \$1,446.40 per month and allows for annual increases. The agreement contains termination for “fiscal non-funding” language which allows the City to terminate the agreement with a 30 day notice “without expense or penalty to the City.”

The leased rack space houses the City’s core servers (excluding Police) in a physically secure Category 5-rated facility. Staff has been satisfied with the service and support provided by The ARCO Group, Inc. and the ColoCSX Data Center. Staff recommends approving a new two-year agreement.

FISCAL IMPACT: Funds for this lease are included in the Contractual account of various funds throughout the City budget.

2016/2017 CITY COMMISSION GOALS:
 (As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend the City Commission adopt proposed Resolution 2016-97. *DEM*

DEPARTMENT DIRECTOR Submitted by: Patti Clifford, *PHC* Date: 7/15/16
 Controller

CONTROLLER Approved as to Budget Compliance *PHC* Date: 7/15/16

CITY ATTORNEY Approved as to Form and Legality *TEB* Date: *8/5/16*

CITY MANAGER Approved Agenda Item for 8/16/16 *DEM* Date: 8/3/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

RESOLUTION 2016-97

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, APPROVING THE AGREEMENT WITH THE ARCO GROUP, INC. TO PROVIDE OFF-SITE SERVER RACK SPACE AND INTERNET ACCESS FOR CITY USE AT THE COLOCSX DATA CENTER IN JACKSONVILLE, FLORIDA; AUTHORIZING EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City has leased server rack space and internet access from Florida Technology Managed Services (FTMS) at the ColoCSX Data Center on an annual basis since March, 2012 (Resolution 2014-35); and

WHEREAS, The ARCO Group, Inc. recently acquired FTMS and the City wishes to keep the servers at their present location; and

WHEREAS, the City is required to sign a new twenty-four month service agreement with The ARCO Group, Inc.; and

WHEREAS, the current cost of \$1,446.40 per month is allocated in the Contractual account in various funds throughout the City. Funding is included for this expenditure in the FY 2015/2016 budget and FY 2016/2017 budget.

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 agreement with The ARCO Group, Inc. for \$1,446.50 per month (allowing annual increases as outlined in the agreement) to provide managed rack space and internet access as outlined in the agreement, attached hereto as "Exhibit A".

SECTION 2. The City Manager and City Clerk are hereby authorized to execute the agreement upon review and approval of the City Attorney.

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

ADOPTED this 16th day of August, 2016.

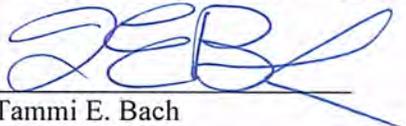
ATTEST:

CITY OF FERNANDINA BEACH

Caroline Best
City Clerk

John A. Miller
Commissioner-Mayor

APPROVED AS TO FORM & LEGALITY:



Tammi E. Bach
City Attorney



Service Order

Resolution 2016-97
Exhibit "A"

This Service Order, collectively with the Master Service Agreement ("MSA") and its Schedule(s), the "Agreement", is entered into by and between The ARCO Group, Inc. ("ARCO") and Customer.

CUSTOMER INFORMATION				ORDER INFORMATION			
MSA #	20160			Service Order #	1		
Customer	City of Fernandina Beach			Service Order Date	8/1/2016		
Address	204 Ash Street			Term in months:	24 months		
	Fernandina Beach, FL 32034			Service Activation Date			
				Addendum Number and Date			
				Service End Date	7/31/18		
				Account Executive	Ray Cooney		
Contact	Dana Whicker			Email:	ray.cooney@arcogroup.com		
Email	dwhicker@fbfl.org			Phone:			
Phone	904-277-7300			Cell	904-251-4065		
Item	Description of Products and/or Services	Qty	Units	Per Unit Activation and Setup	Per Unit Monthly	Total Activation and Setup	Monthly Recurring Charge
Data Center Rack Space Equivalents							
SPC-004	ARCO provided Full Rack Equivalent (40U's)	1	Each	0.00	520.00	0.00	520.00
Power with Standard Connectors							
P-30A/208V	30A/208V AC Circuit (80% utilization 16A)	1	Pair	0.00	375.00	0.00	375.00
P30A/208V	30A/208V AC Circuit (80% utilization 16A) Redundant Source	1	Pair	0.00	125.00	0.00	125.00
ARCO Internet Connectivity Services							
NTW-003	High Availability Internet Access to two carriers - capped at 7Mbps	7	Mbps	0.00	31.20	0.00	218.40
HOSTED SERVICES							
DNS	Open DNS minimum 100	100	each		2.08		208.00
						Total Setup	Total MRC
						-	1,446.40

Acceptance of Service Order:			
MSA #	2016060116	Service Order	2
		Addendum Number and Date	#2 8/1/16

City of Fernandina Beach

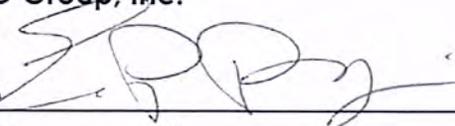
Signature _____

Name _____

Title _____

Date _____

The ARCO Group, Inc.

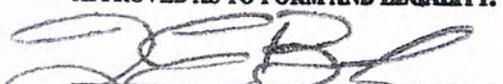
Signature  _____

Name Steve Bono

Title VP

Date 6/28/16

APPROVED AS TO FORM AND LEGALITY:



CITY ATTORNEY



MASTER SERVICE AGREEMENT

Number 2016060116

This Master Service Agreement (herein "Agreement") is made and entered into between **The ARCO Group, Inc., 3728 Phillips Highway, Suite 46, Jacksonville, Florida 32207**, (hereafter "ARCO") and **City of Fernandina Beach located at 204 Ash Street, Fernandina Beach, FL 32034** (hereafter "CUSTOMER") and subject to the following terms and conditions:

1) **DEFINITIONS**

- a) "**CUSTOMER Information**" means CUSTOMER's contact and other business information.
- b) "**Service Activation Date**" is the date on which your Service Order is provisioned, activated and Service begins.
- c) "**Service Order**" means any written service order, including the initial service order, in the form set forth by ARCO and signed by CUSTOMER and ARCO specifying the particular Services being ordered by CUSTOMER that ARCO has agreed to provide.

- 2) **SERVICE PROVIDER** The Service provider for this Agreement will be ARCO or its designated service provider (DSP) for the Services to be performed by ARCO as detailed in the Service Order(s) shall be deemed to be incorporated herein and made a part of this Agreement.

3) **SERVICE ORDERS**

- a) The Standard ARCO Service Order form may be updated in format and content from time to time and provides a description of the Service and Products ordered by CUSTOMER from ARCO.
- b) CUSTOMER shall complete an initial Service Order prior to being provided access to ARCO Services. Thereafter, CUSTOMER shall complete a Service Order each time CUSTOMER wishes to order additional Services.
- c) Each Service Order shall indicate: (i) the ARCO Services selected by CUSTOMER, including any premium services; (ii) the Setup services to be provided by ARCO for such Services; (iii) the term of such Services; (iv) the applicable fee(s), Setup and activation fees; and (v) any other special terms or fees that may apply to the selected Services. Service Orders are only valid once signed by both CUSTOMER and ARCO.

4) **INVOICING**

- a) All Invoices are due in accordance of Florida Local Government Prompt Payment Act.
- b) ARCO will invoice CUSTOMER at the signing of each Service Order, or Addendum to an established Service Order, for an amount equal to the Service Orders Monthly Recurring Charge (MRC) and CUSTOMER shall pay this invoice prior to Service Activation and this amount will be held as a deposit to apply to the final months billing.
- c) ARCO will invoice CUSTOMER at the signing of each Service Order, or Addendum to an established Service Order, for all associated activation and Setup fees and CUSTOMER shall pay this invoice prior to Service Activation.
- d) The CUSTOMER's billing begins on the Service Activation Date and the CUSTOMER will be invoiced on the first of each month following the Service Activation Date for the MRC for each Service Order and CUSTOMER shall pay all MRC's in advance and pay in arrears for any usage above that covered by the MRC, Direct Cost Charges, One time charges, other usage fees and non-ARCO services for the previous month.
- e) When the Service provided during the first month of Activation is not for a full month and the Service Order states the service is to be prorated, the billing will be prorated and billed with the MRC of the following month.



- f) Subsequent Service Orders. ARCO shall commence the provisioning process for the additional Service as required by such Service Orders upon receipt of the CUSTOMER signed Service Order and invoice CUSTOMER.
 - g) Except as otherwise set forth on a Service Order, all prepaid fees under this Agreement are non-refundable, except if CUSTOMER's account is closed in good standing, under the terms of this Agreement, with all undisputed balances paid in full, the unused balance of Prepaid Services shall be refunded to CUSTOMER.
 - h) Failure of ARCO to invoice CUSTOMER in a timely manner for any amounts due under this Agreement shall not be deemed a waiver by ARCO of its rights to payment for such amounts, and all outstanding amounts shall remain due and payable by CUSTOMER, provided that, ARCO must bill CUSTOMER for all outstanding amounts owed within 60 days of any termination of this Agreement.
- 5) **SERVICE ACTIVATION DATE** Prior to the activation of the ARCO Services set forth in each of the CUSTOMER's Service Order, or Addendum to an established Service Order, CUSTOMER shall pay ARCO the fees then due. Upon receipt of all fees, ARCO will commence the provisioning process for the Service and activate CUSTOMER's account. The date Service is first Available to the Customer represents the "Service Activation Date". ARCO will record that date on the Service Order.
- 6) **DISPUTED CHARGES AND RESOLUTION OF DISPUTES**
- a) CUSTOMER agrees to pay all undisputed charges under this Agreement without counter-claim, set-off or deduction. The MRC is fixed (absent a written change by the Parties); CUSTOMER agrees to not dispute the MRC.
 - b) In the event that CUSTOMER legitimately and reasonably disputes an invoiced amount, CUSTOMER will provide ARCO with written notice of the amount in dispute and the basis for the dispute. ARCO agrees that it will work with CUSTOMER to reasonably and expeditiously resolve the dispute within a thirty (30) day cure period. CUSTOMER agrees that any undisputed amounts shall remain due and payable in accordance with the normal payment terms.
- 7) **TERM AND RENEWAL**
- a) **Term.** The Term for each Service Order will begin as of 12:01 a.m. on the Service Activation Date and will end as of 12:00 midnight of the last day of the Term stated on the Service Order, unless a Service End Date is specified on the Service Order in which case that date will apply.
 - b) **Renewals.** Each Service Order without a specific Service End Date shall be automatically renewed for the same period of time as the Initial Term, unless either Party notifies the other Party in writing of its intention not to renew the Agreement and such notification must be provided at least ninety (90) days prior to the expiration of the then-current term when the Term is a year or more and at least thirty (30) days on Service Orders less than one year.
 - i) Service Orders with a specific Service End Date will not automatically renew.
- 8) **MONTHLY RECURRING CHARGE (MRC) INCREASES**
- a) On the annual anniversary of the Original Service Activation Date of each Service Order the individual line item charges - other than a Power fee, which will be increased by the same percentage as the Jacksonville Electric Authority increases their rates from time to time - upon which the MRC is based will individually increase by the increase in the Consumer Price Index for All Urban Consumers (CPI-U) as last reported by the Bureau of Labor Statistics of the U.S. Department of Labor for the previous 12 month period prior or by 4%, whichever is higher.
 - b) ARCO reserves the right to modify its Service fees and charges for other services for future Renewal Periods with at least ninety (90) days prior written notice, to allow CUSTOMER sufficient time to exercise its right to cancel service at the expiration of the then-current Renewal Period.



9) **TERMINATION FOR NON-PAYMENT OF INVOICES AND ASSOCIATED TERMINATION CHARGE**

- a) In the event any Invoice remains unpaid for a period of thirty (30) days or more after becoming due, or CUSTOMER is otherwise in default or breach of this agreement, and fails to correct such breach within thirty (30) days of written notice thereof, ARCO may terminate this agreement, effective immediately, without incurring any liability for termination of service upon such termination. In that event, CUSTOMER shall be obligated to pay to ARCO any unpaid service charges.
- b) In addition to the foregoing, CUSTOMER shall pay to ARCO a termination charge determined to be the sum of (1) one month's MRC plus (2) 75% of the MRC times the number of months remaining on the agreement after the effective date of the termination.

10) **TERMINATION – OTHER**

a) **CUSTOMER**

- i) CUSTOMER may terminate this Agreement for convenience (i.e. without cause), after the initial term of the agreement, upon at least Sixty (60) days prior written notice to ARCO accompanied with the payment of the Termination Charge that is equal to the Monthly Recurring Charges (MRC) in the month prior to the month in which notice is provided to ARCO multiplied by three (3) (i.e. MRC X 3).
- ii) CUSTOMER understands that it has entered into an Agreement with a specific term and that nothing contained in the Agreement conveys the right to the CUSTOMER to suspend service in whole during the Initial Term or during subsequent Renewal Periods, nor is the CUSTOMER entitled to a refund of any prepaid fees on the basis of requesting a suspension of service.

b) **ARCO** may suspend or cancel CUSTOMER's access to a Service or terminate this Agreement as follows:

- i) For Actual or Potential Harm to ARCO or a Third Party, ARCO may suspend or terminate CUSTOMER's account if ARCO has a good faith belief that CUSTOMER (x) is using the Service in a manner that may cause immediate and ongoing harm to ARCO or to a third party, including but not limited to, actions that violate federal, state or local laws, rules or regulations; (y) is compromising the security of the Service and the privacy of ARCO's other CUSTOMERS; or (z) is engaging in other activity not specifically identified herein that could reasonably be construed as causing or potentially causing harm to ARCO or a third party. ARCO agrees that in the event it becomes aware of such actions by the CUSTOMER it will immediately notify the CUSTOMER of the unauthorized activity and either allow the CUSTOMER reasonable time to cease the activity or, if warranted by the circumstances, immediately suspend CUSTOMER's access to the Service.
- ii) For Cessation of Service. ARCO may suspend access to any portion or feature of the Service by providing CUSTOMER with written notice at least sixty (60) days prior to the date it intends to cease providing such Service.

c) **CUSTOMER OR ARCO.** Either party may terminate this Agreement upon thirty (30) days written notice to the other party in the event of a breach of any provision of this Agreement by the other party, provided that, during the thirty (30) day period the breaching party fails to cure such breach (except the 30 day notice period shall not apply to CUSTOMERS with delinquent accounts or CUSTOMERS engaged in unlawful activities).

- 11) **EFFECT OF TERMINATION** Upon termination of this Agreement, (i) all licenses and rights granted hereunder shall immediately terminate and CUSTOMER shall have no right to continue to access or use the Service, (ii) each party shall return or, at the option of the other party, destroy or return all Confidential Information (as defined below) of the other party, as requested by the other party, in its possession or control and (iii) CUSTOMER shall promptly pay all undisputed outstanding fees and charges associated with CUSTOMER's account up through the date of termination, (including charges for services delivered by ARCO that have not yet been invoiced and any Termination Fee, if applicable), provided that ARCO reserves the right to apply any security deposit or pre-paid charges or other amounts delivered by CUSTOMER to ARCO to satisfy any amounts owed to ARCO under the terms of this Agreement. All outstanding payment obligations and at a minimum Sections 1, 2, 4, 6, 6, 7, 8, 9, 10, 12, 13, 15, 16, 21, 22, 23, 24, 25, 26, 27 and 28 shall survive any termination or expiration of this Agreement.



- 12) **RESUMPTION OF SERVICE** CUSTOMER's resumption of access to the Service following a suspension by ARCO for the reasons cited above will not extend the then-current Term, nor result in an extension of the period covered by the prepaid Service Fees. Resumption of CUSTOMER's account following suspension or termination by ARCO is subject to the sole discretion of ARCO. If ARCO allows CUSTOMER to resume using the Services, CUSTOMER may be subject to a reconnection fee and applicable retraining fees, and must pay in full all outstanding account balances.
- 13) **USE OF SERVICE**
- a) **CUSTOMER Information.** CUSTOMER shall provide accurate, current and complete registration CUSTOMER Information, including, without limitation, CUSTOMER's legal name, address, email address, telephone number and, where applicable, payment information. CUSTOMER agrees to promptly notify ARCO of any changes in CUSTOMER Information and to verify such information as ARCO may reasonably request. CUSTOMER acknowledges and agrees that upon receiving 60-days prior written notice from ARCO, CUSTOMER's failure to provide ARCO with accurate CUSTOMER Information may lead to ARCO's suspension or termination of CUSTOMER's account and/or access to Service(s) at the end of such notice period, which suspension or termination shall be at the sole discretion of ARCO.
 - b) **Use Restrictions.** CUSTOMER agrees not to (i) license, sublicense, sell, resell, transfer, assign, distribute or otherwise commercially exploit or make the ARCO Service(s) available to any third party in any way; (ii) modify or make derivative works based upon the ARCO Service; (iii) create unauthorized Internet "links" to the Service or "frame" or "mirror" any content on any other server or wireless or Internet-based device; or (iv) reverse engineer the ARCO Products and Service.
- 14) **TECHNICAL REQUIREMENTS FOR USE OF THE SERVICES** In order to utilize the ARCO Services, CUSTOMER must adhere to certain technical specifications and acquire and maintain certain minimum hardware, software and Internet connectivity, as specified here: <http://www.arcogroup.com/system-requirements.pdf> ("Required Equipment"). During the sales process and prior to ARCO' Service activation, ARCO, with CUSTOMER's reasonable cooperation, will conduct an assessment of CUSTOMER's current Required Equipment. Based on this assessment, ARCO may recommend adjustments to the Required Equipment in order to meet the minimum technical requirements to utilize the Service. CUSTOMER is ultimately responsible for implementing any recommendations made by ARCO with respect to Required Equipment and also for the ownership and ongoing maintenance of Required Equipment. ARCO' recommendations with respect to Required Equipment do not constitute a guarantee or warranty as to the future suitability of the Required Equipment for operating the Service(s). CUSTOMER ACKNOWLEDGES AND AGREES THAT IT IS SOLELY RESPONSIBLE FOR OBTAINING AND SUPPORTING REQUIRED EQUIPMENT AS NECESSARY TO UTILIZE THE ARCO SERVICE, AND CUSTOMER MAY NOT TERMINATE THIS AGREEMENT OR REQUEST A REFUND BASED ON A FAILURE OF ITS HARDWARE, SOFTWARE OR INTERNET CONNECTIVITY TO PROPERLY FUNCTION WITH THE SERVICE.
- 15) **TECHNICAL SUPPORT** Standard technical support is available as part of the ARCO Services. Our support services and options are more fully described at www.arcogroup.com/support. Support services may include on-line help, FAQ's, training guides and templates.
- 16) **SERVICE LEVEL AGREEMENT** ARCO' Service Level Agreement (SLA) is documented in Addendum A. CUSTOMER and ARCO agree that this addendum is hereby made an integral part of this Agreement
- 17) **CUSTOMER ACCOUNTS AND SECURITY** CUSTOMER is responsible for all authorized and unauthorized access, activities and charges associated with the CUSTOMER's account and/or password(s) with ARCO, except for unauthorized charges that can reasonably be determined to be the result of ARCO' mistake, omission or negligence in providing sufficient safeguards against unauthorized third party access to CUSTOMER's account. CUSTOMER is responsible for the confidentiality of its password(s), for all charges incurred from the use of the ARCO Service with its password(s) and for any and all charges made through the CUSTOMER's



account by CUSTOMER's employees, agents, principals, consultants, or other entities or individuals in the employ of or engaged by CUSTOMER regardless of the reason for such charges. If CUSTOMER, or someone to whom CUSTOMER has given access to the ARCO Service, violates this Agreement, CUSTOMER's account may be terminated, and CUSTOMER will be liable for all fees, charges, and damages of any kind related thereto.

- 18) **CONFIDENTIALITY OF MATERIALS AND INFORMATION** The parties acknowledge that during the term of this agreement, each will be exposed to and receive information relating to the confidential affairs of the other or its affiliates, including, but not limited to, business and marketing plans, client ,and employee lists, pricing and cost information, competitive data, financing, expansion plans, business policies and practices, and other information considered by ARCO or CUSTOMER or any of its affiliates to be confidential and in the nature of trade secrets (collectively, the "confidential information"). The parties agree that during the term of this agreement and beyond, each party will keep the confidential information of the other party confidential, not use it for their benefit or the benefit of any person or entity other than the other party, not disclose it to any third person or entity without the prior written consent of the other party, and will not take or fail to take any action which will cause the confidential information to lose its confidential nature. If the Receiving Party is compelled by law to disclose confidential information of the disclosing party, it shall provide the disclosing party with prior notice of such compelled disclosure (to the extent legally permitted) and reasonable assistance, at disclosing party's cost, if the disclosing party wishes to contest the disclosure. If the receiving party discloses or uses (or threatens to disclose or use) any confidential information of the disclosing party in breach of this section, the disclosing party shall have the right, in addition to any other remedies available to it, to seek injunctive relief to enjoin such acts, it being specifically acknowledged by the parties that any other available remedies are inadequate.
- 19) **DATA USE** During the normal operation of the Service(s), ARCO will collect and store on its systems certain information and data provided or collected by the CUSTOMER ("CUSTOMER Data"). Solely during the Term, CUSTOMER authorizes ARCO to store CUSTOMER Data on its secure internal systems and to use and copy CUSTOMER Data solely for the purpose of providing the Service(s) to CUSTOMER in accordance with this Agreement.
- 20) **LIMITATION OF LIABILITY** Notwithstanding anything else contained in this Agreement to the contrary, ARCO's liability to CUSTOMER for any breach arising out of or related to this Agreement, any breach of any representation or warranty contained in this Agreement, or any other liability or claim by CUSTOMER against ARCO shall not exceed the total amount paid to ARCO hereunder for the previous three (3) months of Service. In no event shall ARCO be liable to CUSTOMER for any lost profits, loss of use, costs of procurement of substitute goods or services, or for any incidental, indirect, special, punitive, consequential or emotional distress damages of any kind. The parties acknowledge and agree that this Section shall be the sole and exclusive remedy against ARCO under this Agreement.
- 21) **ARCO' WARRANTY** With respect to the Services, ARCO warrants to CUSTOMER that: (1) it shall perform the Services according to the terms and conditions of this Agreement and in conformity with accepted standards and ethics of ARCO's Profession, and (2) all Materials furnished and Services performed by ARCO pursuant to this Agreement shall be at the direction of CUSTOMER.
- 22) **OWNERSHIP OF MATERIALS AND RIGHTS** Products and Services provided by ARCO are proprietary are protected by intellectual property laws and international intellectual property treaties. CUSTOMER's data is proprietary to CUSTOMER. Except for the license and right to use the Service(s) granted by ARCO to CUSTOMER in this Agreement, nothing in this Agreement shall convey, transfer or assign any right, title or interest in any party's Proprietary Materials to the other party. As such, each party retains exclusive ownership of its Proprietary Materials (as defined below) in existence as of the Activation Date or developed by it during the Term. For purposes of this Agreement, "Proprietary Materials" means all patents, copyrights, design rights, trademarks, service marks, trade secrets and other worldwide intellectual property



or proprietary rights owned by a party during the Term, and the software, schematics, diagrams, information, and other tangible embodiments, if any, relating thereto. All rights not granted by ARCO herein are expressly reserved.

23) **ARCO' EMPLOYEES. AGREEMENT NOT TO EMPLOY AND ASSIGNABILITY** The employees of ARCO performing the Services shall, throughout the term of the Agreement, be deemed employees of ARCO for all purposes, and shall not be deemed to be employees, servants, or agents of CUSTOMER for any purpose. For the term of any work performed under this Agreement plus two years, CUSTOMER agrees not to employ any employee of ARCO or any individual subcontracted to CUSTOMER by ARCO, without specific written consent by authorized officials of both Parties. It is understood that should ARCO agree to CUSTOMER hiring one of ARCO's employees, CUSTOMER should pay ARCO as a fee an amount equal to six months of full time billing of the individual to CUSTOMER at ARCO's then current billing rates. This Agreement may not be assigned by CUSTOMER without the prior written consent of ARCO. This Agreement may be assigned by ARCO without the prior written consent of CUSTOMER.

24) **MISCELLANEOUS**

- a) **Applicable Law.** This Agreement shall be deemed to have been made in the State of Florida and shall be governed by, and construed in accordance with the laws of the State of Florida. Venue for any and all actions arising out of this Agreement shall be the County of Duval, Florida.
- b) **Counterparts.** This Agreement may be executed in separate counterparts, each of which will be deemed an original and taken together will constitute one single agreement between the parties with the same effect as if the signatures were upon the same instrument.
- c) **Force Majeure.** Neither party shall be held liable or responsible to the other party nor be deemed to have defaulted under or breached this Agreement for failure or delay in fulfilling or performing any term of this Agreement when such failure or delay is caused by or results from causes beyond the reasonable control of the affected party, including but not limited to fire, floods, embargoes, war, acts of war, insurrections, riots, civil commotion, strikes, lockouts or other labor disturbances, acts of God or acts, omissions or delays in acting by any governmental authority; provided, however, that the party so affected shall promptly notify the other party of the force majeure event and use reasonable commercial efforts to avoid or remove such causes of nonperformance, and shall continue performance hereunder with reasonable dispatch whenever such causes are removed.
- d) **Notices.** All notices between the parties shall be in writing and sent by certified mail, postage pre-paid, return receipt requested to the addresses above stated or as thereafter updated or revised in a writing delivered by CUSTOMER to ARCO or by ARCO to CUSTOMER.
- e) **SECTION HEADINGS** Section Headings and captions contained herein are for convenience or reference only, and shall not be deemed in any manner to limit or restrict the content of the provision to which they relate.
- f) **Waiver and Severability.** No failure or delay in exercising or enforcing any right or remedy hereunder by either party shall constitute a waiver of any other right or remedy, or future exercise thereof. If any provision of this Agreement is determined to be invalid under any applicable statute or rule of law, it is only to that extent to be deemed omitted, and the balance of the Agreement shall remain enforceable.

ENTIRE AGREEMENT This Agreement supersedes all prior understandings, representations, negotiations and correspondence between the parties, including all course of performance, course of dealing, and usage of trade, and constitutes the entire Agreement between the Parties with respect to the transactions contemplated herein and shall not in any manner be supplemented, amended, or modified except by a written instrument executed on behalf of both Parties by their duly authorized officers.

The Parties acknowledge that they have read this Master Service Agreement, understand it and agree to be bound by its terms and conditions. Further the parties agree that the complete and exclusive statement of the agreement between the parties relating to this subject will consist of this agreement and its schedules, including



those made effective by the parties in the future. In witness whereof, the parties have caused this Agreement to be executed and attested by their representatives, duly authorized thereunto, as of the date shown.

City of Fernandina Beach

By: _____

Name: _____

Title: _____

Date: _____

The ARCO Group, Inc.

By:  _____

Name: ERNIE BONO _____

Title: UP _____

Date: 6/23/16 _____



Addendum A

ARCO' SERVICE LEVEL AGREEMENT SLA

ARCO will credit CUSTOMER'S next invoice with the equivalent of 1 day's fee for each 60 minutes of unscheduled downtime (up to 100% of your fee for the month in which the outage occurs). It doesn't matter why—any time your services are offline or not functioning as a result of a failure in our systems, data center, or network is considered downtime, and we begin counting from the minute you open a support ticket via the CUSTOMER Portal.

That's it—we've designed our SLA to be very-simple. Please note that the SLA does not cover coding or configuration errors on your part, and like all hosts, we may schedule occasional maintenance windows that will affect the availability of some services. We'll post notification of scheduled maintenance before it happens, and since we operate in a High Availability environment, maintenance that causes downtime should be rare.

Limitations

- 1) You are not entitled to a credit if you are in breach of your services agreement with us (including your payment obligations to us) until you have cured the breach. You are not entitled to a credit if downtime would not have occurred but for your breach of your agreement with us or your misuse of the Services. You are not entitled to a credit for downtime or outages resulting from denial of service attacks, virus activity, hacking attempts, or any other circumstances that are not within our control.
- 2) To receive a credit, you must request a credit via your CUSTOMER Portal within thirty (30) days following the end of the outage.
- 3) Notwithstanding anything in this Service Level Agreement to the contrary, the maximum total credit for the monthly billing period, including all guaranties, shall not exceed 100% of your fee for that billing period. Credits that would be available but for this limitation will not be carried forward to future billing periods.

RESOLUTION 2016-98

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA APPROVING AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 2015-2016; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City adopts and operates under a budget for the fiscal year and the City Charter requires that the City Commission approve any budget amendment over \$7,500; and

WHEREAS, City staff has identified several areas needing additional funds for Fiscal Year 2015/2016; and

WHEREAS, the attached eight budget amendments are needed to ensure expenditures do not exceed budget on a line by line basis for fiscal year ending September 30, 2016.

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 following budget amendments:

- a. Fire, a transfer of \$22,000 to the Vehicle Parts account, 001-2200-522.4640, from the Fuel account, 001-2200-522.5230 (\$10,000) and the Medical Supplies account, 001-2200-522.5240 (\$12,000) for unbudgeted repairs to Engine 101.
- b. Building, a transfer of \$10,000 from the Health account, 001-2400-524.2300, to the Salaries account, 001-2400-524.1200, for higher than anticipated costs for salaries due to the hiring of a new Permit Clerk and the change in CDD Director.
- c. Code Enforcement, a transfer of \$1,000 from the Operating Supplies account, 001-2420-524.5200, to the Salaries account, 001-2420-524.1200, for slightly higher salary expenses.
- d. Golf, a transfer of \$11,400 from the Operating Supplies account, 410-7260-572.5200, to the R/M Equipment account, 410-7260-572.4620, for higher than anticipated costs of repairs to equipment.
- e. Airport, a transfer of \$27,500 to the Salaries account, 420-4200-542.1200, from the Part-Time account, 420-4200-542.1350 (\$20,700) and from the Improvements account, 420-4200-542.6300 (\$6,800) to fund the 20% allocation of the City Manager's salary as Airport Manager and to transfer funds for the new full time Airport Manager.
- f. Sanitation, an amendment to the budget increasing the Garbage Fees Revenue account, 440-343.4000 and increasing the Sanitation Services expense account, 440-3400-534.3500 both by \$50,000. This amendment **increases the Total City Budget from \$110,486,179 to \$110,536,179**; a transfer of \$15,200 from the Contingency/Reserve account, 440-3400-534.9900, to the Contractual account, 440-3400-534.3400 for higher than anticipated grinding costs at the mulch site.
- g. Wastewater, a transfer of \$50,000 to the R/M Vehicles Parts account, 450-3500-535.4640, from the Contractual account, 450-3500-535.3400 (\$25,000), and from the Operating Supplies account (\$25,000) for unanticipated repairs to the Wastewater Sewer Cleaning Truck and other aging equipment.
- h. Central Garage, a transfer of \$65,000 from the Gas/Oil account, 510-1950-519.8600, to the Vehicle Parts account, 510-1950-519.8700, for higher than anticipated repairs to the aging fleet.

SECTION 2. This Resolution shall be effective immediately upon passage.

ADOPTED this 16th day of August, 2016.

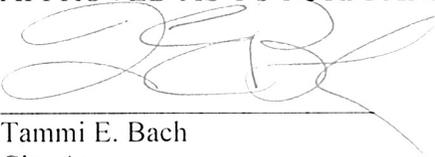
ATTEST:

CITY OF FERNANDINA BEACH

Caroline Best
City Clerk

John A Miller
Commissioner-Mayor

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

**CITY OF FERNANDINA BEACH
REQUEST FOR BUDGET AMENDMENT**

BUDGET AMENDMENT NUMBER:

DATE: 7/20/2016

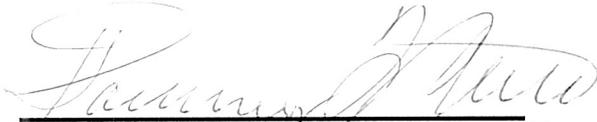
DEPARTMENT: Fire

REQUEST THAT THE ADOPTED BUDGET FOR THE FOLLOWING ACCOUNTS BE AMENDED:

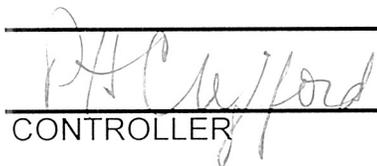
FROM	TO	
001-2200-522.5230 Fuel	001-2200-522.4640 Vehicle Parts	10,000
001-2200-522.5240 Medical Supplies	001-2200-522.4640 Vehicle Parts	12,000

REASON FOR TRANSFER:

To transfer funds for unplanned repairs to Engine 101.


DEPARTMENT HEAD SIGNATURE

RECOMMENDATIONS/COMMENTS: _____


CONTROLLER


DATE

CITY MANAGER

DATE

**CITY OF FERNANDINA BEACH
REQUEST FOR BUDGET AMENDMENT**

BUDGET AMENDMENT NUMBER:

DATE:

7/20/2016

DEPARTMENT: Building

REQUEST THAT THE ADOPTED BUDGET FOR THE FOLLOWING ACCOUNTS BE AMENDED:

FROM	TO	
001-2400-524.2300	001-2400-524.1200	
Health	Salaries	10,000

REASON FOR TRANSFER:

To transfer funds for higher salaries due to the new Permit Clerk and change in CDD Director.


DEPARTMENT HEAD SIGNATURE

RECOMMENDATIONS/COMMENTS: _____

CONTROLLER

DATE

CITY MANAGER

DATE

**CITY OF FERNANDINA BEACH
REQUEST FOR BUDGET AMENDMENT**

BUDGET AMENDMENT NUMBER:

DATE:

7/20/2016

DEPARTMENT: Code Enforcement

REQUEST THAT THE ADOPTED BUDGET FOR THE FOLLOWING ACCOUNTS BE AMENDED:

FROM	TO	
001-2420-524.5200	001-2420-524.1200	
Operating Supplies	Salaries	1,000

REASON FOR TRANSFER:

To transfer funds for slightly higher salaries.



DEPARTMENT HEAD SIGNATURE

RECOMMENDATIONS/COMMENTS: _____



CONTROLLER DATE

CITY MANAGER DATE

**CITY OF FERNANDINA BEACH
REQUEST FOR BUDGET AMENDMENT**

BUDGET AMENDMENT NUMBER:

DATE: 7/20/2016

DEPARTMENT: Golf

REQUEST THAT THE ADOPTED BUDGET FOR THE FOLLOWING ACCOUNTS BE AMENDED:

FROM	TO	AMOUNT
410-7260-572.5200 Operating Supplies	410-7260-572.4620 R/M Equipment	11,400

REASON FOR TRANSFER:

To transfer funds for higher than budgeted repairs to equipment.



DEPARTMENT HEAD SIGNATURE

RECOMMENDATIONS/COMMENTS: _____

 7/22/16

CONTROLLER DATE

CITY MANAGER DATE

**CITY OF FERNANDINA BEACH
REQUEST FOR BUDGET AMENDMENT**

BUDGET AMENDMENT NUMBER:

DATE: 7/20/2016

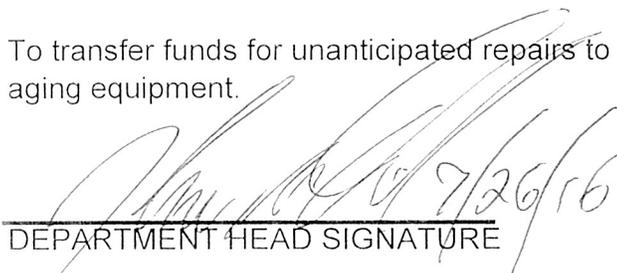
DEPARTMENT: Wastewater

REQUEST THAT THE ADOPTED BUDGET FOR THE FOLLOWING ACCOUNTS BE AMENDED:

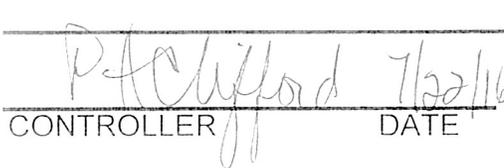
FROM	TO	AMOUNT
450-3500-535.3400 Contractual	450-3500-535.4640 R/M Vehicles - Parts	25,000
450-3500-535.5200 Operating Supplies	450-3500-535.4640 R/M Vehicles - Parts	25,000

REASON FOR TRANSFER:

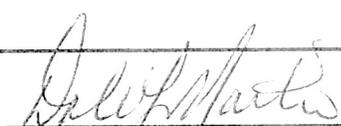
To transfer funds for unanticipated repairs to the Wastewater Sewer Cleaning Truck and other aging equipment.


DEPARTMENT HEAD SIGNATURE

RECOMMENDATIONS/COMMENTS: _____


CONTROLLER

DATE


CITY MANAGER

DATE

**CITY OF FERNANDINA BEACH
REQUEST FOR BUDGET AMENDMENT**

BUDGET AMENDMENT NUMBER:

DATE: 7/20/2016

DEPARTMENT: Sanitation

REQUEST THAT THE ADOPTED BUDGET FOR THE FOLLOWING ACCOUNTS BE AMENDED:

INCREASE	INCREASE	AMOUNT
440-343.4000	440-3400-534.3500	
Garbage Fees	Sanitation Services	50,000

FROM	TO	AMOUNT
440-3400-534.9900	440-3400-534.3400	
Contingency/Reserve	Contractual	15,200

REASON FOR TRANSFER:

To increase the budget for higher than anticipated Garbage revenue and grinding expenses.
This amendment increases the Total City Budget from \$110,486,179 to \$110,536,179.

DEPARTMENT HEAD SIGNATURE

RECOMMENDATIONS/COMMENTS:

P. H. Clifford 7/22/16
CONTROLLER DATE

CITY MANAGER DATE

**CITY OF FERNANDINA BEACH
REQUEST FOR BUDGET AMENDMENT**

BUDGET AMENDMENT NUMBER:

DATE: 7/20/2016

DEPARTMENT: Garage

REQUEST THAT THE ADOPTED BUDGET FOR THE FOLLOWING ACCOUNTS BE AMENDED:

FROM	TO	
510-1950-519.8600	510-1950-519.8700	
Gas / Oil	Vehicle Parts	65,000

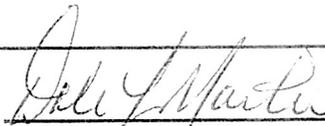
REASON FOR TRANSFER:

To transfer additional funds for higher than anticipated repairs to the aging fleet. Fuel expenditures for this year have been less than expected and will cover the deficit in the parts account.

 7-26-15
DEPARTMENT HEAD SIGNATURE

RECOMMENDATIONS/COMMENTS: _____

 7/22/16
CONTROLLER DATE


CITY MANAGER DATE

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Ordinance 2016-17
Utilities Fee Schedule Revisions

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: Approve Ordinance 2016-17 at First Reading.

SYNOPSIS: On December 4, 2013, the City of Fernandina Beach conducted a comprehensive rate study of the Water and Sewer rates. The study proposed that annual adjustments satisfy annual projections of operating and capital costs, ensure adequate net income to satisfy annual debt service and rate covenants on outstanding debt obligations and establish and/or maintain operating reserves at targeted levels during the projection period.

The proposed Ordinance recommends an annual increase of 3% for water and sewer rates adopted in 2015.

FISCAL IMPACT: The increase in revenue is included in the FY 2016/2017 budget.

2016/2017 CITY COMMISSION GOALS:
(As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2016-17 at First Reading. *DEM*

DEPARTMENT DIRECTOR	Submitted by: John Mandrick, PE Utilities Director	Date: 7/12/16
CONTROLLER	Approved as to Budget Compliance <i>DTK</i>	Date: 8/4/16
CITY ATTORNEY	Approved as to Form and Legality <i>TEB</i>	Date: 8/8/16
CITY MANAGER	Approved Agenda Item for 8/16/16 <i>DEM</i>	Date: 8/3/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

ORDINANCE 2016-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, REQUESTING A 3% INCREASE TO WATER AND SEWER RATES FOR THE OPERATION OF THE CITY'S WATER AND SEWER SYSTEM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2013, the Utilities Department engaged the services of Florida Rural Water Association to perform a comprehensive evaluation on the water and sewer system, and to assure that the rates, fees and charges are reasonable in all aspects and will be sufficient to provide for the operation of the water and sewer system in such a manner as to provide for the health, safety and welfare of all the citizens and customer of the system; and

WHEREAS, the study proposes adequate revenues must be generated to support funding of the water and sewer system operations and maintenance (O&M) costs, capital equipment needs, capital improvement needs, and debt service costs; and

WHEREAS, the study recommends an annual rate adjustment of the greater of 3% or CPI for water and sewer.

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

SECTION 1. The City Commission hereby approves a 3% increase to water and wastewater rates from the 2015 rates as specifically shown in Exhibits "1" and "2" attached hereto and fully incorporated herein by this reference.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase of this Resolution, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsection, sentences, clauses and phrases under the application shall not be affected thereby.

SECTION 3. This Ordinance shall become effective October 1, 2016.

ADOPTED this _____ day of _____, 2016.

CITY OF FERNANDINA BEACH

John A. Miller
Commissioner – Mayor

ATTEST:

Caroline Best
City Clerk

APPROVED AS TO FORM AND LEGALITY:



Tammi E. Bach
City Attorney

WATER:

Current Fee: Proposed Fee:

WATER SERVICE MISCELLANEOUS SERVICE CHARGES^(1,2)

<u>Description</u>	<u>Application</u>	<u>Amount</u>	
Customer Deposit	New Applicants or delinquent customers	3 Months of service	3 Months of service
Returned Check Charge	Per Occurrence	\$29.00	\$29.00
Turn on / Turn off for Non-payment	Per Occurrence	\$65.00	\$65.00
Hydrant Flow test	Per Hydrant	\$100.00	\$100.00
Backflow device testing	Per Backflow	\$100.00	\$100.00
Account Processing Fee	Per Occurrence	\$10.00	\$10.00
Service Call	Per Occurrence	\$45.00	\$45.00
Late Payment Fee	Amount of Unpaid Utility Bill	18% Rate Annually	18% Rate Annually

Meter Installation:

5/8 Inch x 3/4 Inch Meter	Per New Connection	\$100.00	\$100.00
1.0 Inch Meter	Per New Connection	\$165.00	\$165.00
Larger Meters	Per New Connection	Actual Cost 20%	Actual Cost 20%

Customer Connection Charge:

- 2" or smaller service tap	Per New Connection	\$1,000.00	\$1,000.00
Larger than 2" tap	Per New Connection	Actual Cost	Actual Cost

Current Fee: Proposed Fee: Current Fee: Proposed Fee:

Base Facility Charges:

<u>Meter Size</u>	<u>Single Family</u>		<u>General⁽³⁾</u>	
5/8 Inch	\$11.61	<u>\$11.96</u>	\$11.61	<u>\$11.96</u>
1.0 Inch	\$26.79	<u>\$27.59</u>	\$26.79	<u>\$27.59</u>
2.0 Inch	\$82.42	<u>\$84.89</u>	\$82.42	<u>\$84.89</u>
3.0 Inch	\$163.34	<u>\$168.24</u>	\$163.34	<u>\$168.24</u>
4.0 Inch	N/A		\$254.38	<u>\$262.01</u>
6.0 Inch	N/A		\$507.32	<u>\$522.54</u>

Multi-Family (Service Size Rate) +
Per Dwelling Unit plus Base Facility

~~\$10.12~~ \$10.42

	<u>Current Fee:</u>	<u>Proposed Fee:</u>	<u>Current Fee:</u>	<u>Proposed Fee:</u>	
Multi-Comm (Service Size Rate)+ Per Business	\$11.61	<u>\$11.96</u>			
Commodity Charges:		Rate Per 100 Cubic Feet			Monthly Usage (CCF)
Usage Block	Residential		General ⁽³⁾		
1	\$1.15	<u>\$1.18</u>	\$1.53	<u>\$1.58</u>	0 - 4
2	\$1.53	<u>\$1.58</u>	\$1.53	<u>\$1.58</u>	4 - 10
3	\$1.62	<u>\$1.67</u>	\$1.53	<u>\$1.58</u>	10 - 16
4	\$1.82	<u>\$1.87</u>	\$1.53	<u>\$1.58</u>	16 - 24
5	\$2.21	<u>\$2.28</u>	\$1.53	<u>\$1.58</u>	>24
Fire Line & Hydrant Charges					
Monthly:	<u>Current Fee:</u>	<u>Proposed Fee:</u>			
2 Inch	\$6.36	<u>\$6.55</u>			
4 Inch	\$19.86	<u>\$20.46</u>			
6 Inch	\$39.73	<u>\$40.92</u>			
8 Inch	\$63.57	<u>\$65.48</u>			
10 Inch	\$91.37	<u>\$94.11</u>			
Hydrant per month (connection only)	\$37.00	\$37.00			

- (1) Rates represent charges for inside the City customers. Outside the City customers are charged an additional 25% surcharge.
(2) All water rates above adjusted October 1st each year beginning in 2009 by the greater of 3% or the 12-Month Change in CPI.

WASTEWATER:

Base Facility Charges:

<u>Meter Size</u>	<u>Current Fee:</u>	<u>Proposed Fee:</u>	<u>Current Fee:</u>	<u>Proposed Fee:</u>
	<u>Single Family</u>		<u>General ⁽³⁾</u>	
5/8 Inch	\$34.07	<u>\$35.09</u>	\$34.07	<u>\$35.09</u>
1.0 Inch	\$82.12	<u>\$84.58</u>	\$82.12	<u>\$84.58</u>
2.0 Inch	\$258.37	<u>\$266.12</u>	\$258.37	<u>\$266.12</u>
3.0 Inch	\$514.72	<u>\$530.16</u>	\$514.72	<u>\$530.16</u>
4.0 Inch	\$909.73	<u>\$937.02</u>	\$909.73	<u>\$937.02</u>
Multi-Family (Service Size Rate) + #units Per Dwelling Unit			\$32.05	<u>\$33.01</u>
Sewer only residential Per Dwelling Unit			\$55.93	<u>\$57.61</u>
Multi-Commercial (Service Size Rate) + #business Per Business w/fixtures			\$34.07	<u>\$35.09</u>

Commodity Charges:

<u>Usage Block</u>	<u>Monthly Usage (CCF)</u>	<u>Rate Per 100 Cubic Feet</u>	
		<u>Current Fee:</u>	<u>Proposed Fee:</u>
1	0 – 10	\$2.18	<u>\$2.25</u>
2	>10	\$2.18	<u>\$2.25</u>

Industrial Facilities:

Only domestic type wastewater will be accepted from industrial sites. All industrial wastewater shall be metered at the discharge of the industrial customer's lift station. This meter will be accessible and read monthly by the City and yearly check by the customer and city for accuracy.

Monthly Usage (gallons)
Domestic sewage
Per 12,775 gallons

\$57.89	<u>\$59.63</u>
0.045 per gal	<u>0.046 per gal</u>
\$56.65 per analysis	<u>\$58.35 per analysis</u>

Septic Tank Waste Disposal:

Private or Commercial Vehicle disposing of Domestic septic Tank waste at City's Wastewater treatment plant.

Sample and analysis for BOD at request of the City Manager and subject to same Requirements of 82-181.

- (1) Rates represent charges for inside the City customers. Outside the City customers are charged an additional 25% surcharge.
- (2) All sewer rates above adjusted October 1st each year beginning in 2009 by the greater of 3% or the 12-Month Change in (CPI) Consumer Price Index.
- (3) General service customers represent customers that are not single family residential.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: Ordinance 2016-23
Master Fee Schedule Revisions

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: Approve Ordinance 2016-23 at First Reading.

SYNOPSIS: With the development of the annual City budget, all departments are required to evaluate the fees charged for each of our services. The City sets the fees based on the cost to provide the services and facility rentals.

City staff has evaluated all of the proposed fees and charges and are proposing the following amendments to cover the operational and debt service costs to provide each of the programs and services.

FISCAL IMPACT: See above summary.

2016/2017 CITY COMMISSION GOALS:
(As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2016-23 at First Reading. *DEM*

DEPARTMENT DIRECTOR	Submitted by: Dale L. Martin City Manager	Date: 8/3/16
CONTROLLER	Approved as to Budget Compliance <i>ATC</i>	Date: 8/8/16
CITY ATTORNEY	Approved as to Form and Legality <i>TEB</i>	Date: 8/9/16
CITY MANAGER	Approved Agenda Item for 8/16/16 <i>DEM</i>	Date: 8/3/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

ORDINANCE 2016-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA ESTABLISHING AND AMENDING FEES FOR THE CITY CLERK'S OFFICE, GOLF COURSE, MARINA, AIRPORT, COMMUNITY DEVELOPMENT, PARKS AND RECREATION, CEMETERY, FIRE DEPARTMENT, SANITATION, POLICE DEPARTMENT, AND IMPACT FEES, EXCLUDING WATER AND SEWER IMPACT FEES FOR FY 2016/2017; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fernandina Beach must establish and amend user fees by Ordinance; and

WHEREAS, each year fees are reviewed and revised to insure that the cost of providing services is fully covered by an appropriate user fee; and

WHEREAS, the fees for the City Clerk's Office, Fernandina Beach Golf Club, Marina, Airport, Community Development, Cemetery, Fire Department, Sanitation, Police, and Impact Fees have been reviewed and revised based on the cost to provide the services and facility rentals.

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

SECTION 1. The City Commission hereby approves the amended Master Fee Schedule, attached hereto as Exhibit "A," consisting of the City Clerk's Office, Fernandina Beach Golf Club, Marina, Airport, Community Development, Cemetery, Fire Department, Sanitation, Police, and Impact Fees, excluding Water and Sewer Impact Fees for Fiscal Year 2016/2017.

SECTION 2. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 3. This Ordinance shall take effect October 1, 2016.

ADOPTED this _____ day of _____, 2016.

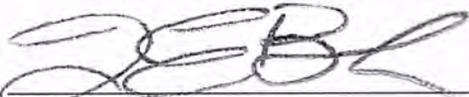
CITY OF FERNANDINA BEACH

John A. Miller
Commissioner – Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

Caroline Best
City Clerk



Tammi E. Bach
City Attorney

AIRPORT:

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
Ground Lease Rental Rate (annually)		
Aeronautical		
North Area unimproved land with utilities available	\$0.20	\$0.20
North Area improved land, site ready with utilities available	\$0.22	\$0.22
East Area unimproved land with utilities available	\$0.20	\$0.20
East Area improved land with utilities available	\$0.22	\$0.22
East Area improved land to include taxi lane/roadway and utilities available	\$0.25	\$0.25
Non-Aeronautical		
North or East Area unimproved land with utilities available	\$0.30	\$0.30
North or East Area improved land with utilities available	\$0.35	\$0.35
Existing Commercial Facility Rental Rate		
Commercial Hangar Space	\$3.00	\$3.00
Professional Office Space	\$10.00	\$10.00

NOTE: All fees and rents plus applicable state sales tax and any required applicable ad valorem taxes.

FBO and SASO Fee Schedule

Facility Leasehold (FBO or SASO)	
Requires lease, monthly facility rent per square foot and leaseholder provides improvements within facility.	Facility Rent Charge or as negotiated
Ground Leasehold (FBO or SASO)	
Requires lease, monthly ground rent per square foot based on land area rented and leaseholder provides improvements on land.	Facility Rent Charge or as negotiated
Sublease to FBO	
Aeronautical Sublease as specifically permitted under FBO Lease – agreement between the FBO and sub-lessee and requires City approval	Included in FBO lease

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
Aeronautical Sublease but not specifically permitted under FBO Lease – for sub-lessee SASO requires an annual airport operating permit and approval from the City in addition to agreement between the FBO and SASO sub-lessee. The sub-lessee SASO must meet Airport Minimum Standards for Commercial Activities.	\$150/yr	\$150/yr
Non-Aeronautical Sublease if not specifically permitted under FBO lease – the sub-lessee requires approval and an agreement with the City in addition to any agreement between the FBO and sub-lessee. City would normally receive revenue from non-aeronautical sub-lease.	As negotiated	As negotiated
Sublease to SASO by leasehold SASO		
Must meet Airport Minimum Standards for Commercial Activities for the SASO to be operated. The sub-lessee SASO requires an annual airport operating permit and approval from the City in addition to agreement between SASO leasehold and SASO sub-lessee	\$150/yr	\$150/yr
Independent Aeronautical Operator or Mobile Service Provider With Employees and/or advertises via signs, website, publications, or telephone directory		
This is a business and requires an annual airport operating permit and approval from the City. Must meet the applicable Airport Minimum Standards for Commercial Activities.	\$150/yr	\$150/yr
Independent Aeronautical Operator or Mobile Service Provider Doing Annual Business on the Airport		
Either full time presence as a tenant or local based operator or occasional or part-time presence – requires an annual airport operating permit and approval from the City. Must meet the applicable Airport Minimum Standards for Commercial Activities. Example: Free-lance flight instructor.	\$150/yr	\$150/yr

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
Independent Aeronautical Operator or Mobile Service Provider Who Does Five (5) Days or Less of Annual Business on the Airport to no more than One (1) Airport Client		
Requires an annual airport operating permit and approval from the City. Must meet the applicable Airport Minimum Standards for Commercial Activities. NOTE: client must be specifically named	\$50/yr*	\$50/yr*

NOTE: The City desires to help an Independent Aeronautical Operator or Mobile Service Provider to establish a business, prosper and convert to a leasehold business. Operating as Independent Aeronautical Operator/Mobile Service Provider is allowed by the City only to assist in the establishment of a business toward becoming a leasehold tenant. Such operators/providers are not guaranteed continued operation if leasehold tenant is doing similar business on the airport.

*=Annual is January 1 - December 31 / Must obtain a City Business License

Note: Sales tax applies when Applicable

Special Use Permit (non based aircraft)

Banner Pickup	\$300/yr*	\$300/yr*
Flight Training or other non-transit commercial use	\$300/yr*	\$300/yr*
Balloon/Blimp Mooring – Per Visit (up to five days)	\$135	\$135
Balloon/Blimp Mooring – Each Additional Day	\$25	\$25

NOTE: Requires evidence of insurance, appropriate equipment and appropriate licenses

Ultralight Aircraft Permit

Registration and Facility Use Permit	\$110/yr*	\$110/yr*
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Aircraft Tie-down Fee for City Owned Ramp Parking Area (self-handling required)

Single engine/helicopter	\$100/mo	\$100/mo
Multi-engine	\$150/mo	\$150/mo
Light Turbine Aircraft	\$250/mo	\$250/mo
Light Turbine Aircraft	\$25/day	\$25/day
Heavy Turbine Aircraft	\$450/mo	\$450/mo
Heavy Turbine Aircraft	\$45/day	\$45/day

CITY CLERK'S OFFICE:

<u>Photocopies:</u>	<u>Current Fee:</u>	<u>Proposed Fee:</u>
8½X 11	\$.15 per page	\$.15 per page
8½X 11 (Double-sided)	\$.20 per page	\$.20 per page
8½X 14	\$.15 per page	\$.15 per page
8½X 14 (Double-sided)	\$.20 per page	\$.20 per page
11 x 17	\$.25 per page	\$.25 per page
Certified Copies	\$1.00 per copy	\$1.00 per copy
CD	\$0.50	\$0.50
DVD	\$2.00	\$2.00
Cassette Tape	\$1.00	\$1.00
VHS Tape	\$3.00	

Miscellaneous:

Public Records Request	Cost per page above	Cost per page above
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Public Records Request Special Service Charge:
Calculated when the nature or volume of requested public records is such to require extensive use of information technology resources, or extensive use of clerical or supervisory assistance, or both:

Actual Cost Incurred

Extensive Use of Information-Technology-Resources: Actual Cost Incurred

Extensive Clerical/Supervisory-Assistance by Personnel on-Large Public Records Request
 \$15.25 per hour*

Beach Driving Permits	\$25.00	\$25.00
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Horseback Riding Permits	\$25.00	\$25.00
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***(+/- exact cost to City's cost)**

COMMUNITY DEVELOPMENT DEPARTMENT:

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
<u>PLANNING –</u>		
<u>Board of Adjustment</u>		
Administrative Appeal	\$450.00	\$450.00
Variance	\$650.00	\$650.00
<u>Historic District Council</u>		
Certificate of Approval: Staff	\$15.00	\$15.00
Certificate of Approval: Board	\$200.00	
Certificate of Approval Board - Residential		\$150.00
Certificate of Approval Board - Commercial		\$200.00
Demolition of Primary Structure - Non-Contributing	\$300.00	\$300.00
Demolition of Primary Structure - Contributing		\$750.00
Variance	\$650.00	\$650.00
After-the-fact approval for Board C.O.A.	\$500.00	\$750.00
After-the-fact approval for Staff C.O.A.	\$30.00	\$50.00
<u>Planning Advisory Board</u>		
Large Scale Future Land Use Map Amendment	\$1,600.00	\$1,600.00
Small Scale Future Land Use Map Amendment	\$850.00	\$850.00
Comprehensive Plan Text Amendment	\$850.00	\$850.00
Change of Zoning Designation: Large Scale	\$1,600.00	\$1,600.00
Change of Zoning Designation: Small Scale	\$850.00	\$850.00
Change of Use Determination Letter	\$50.00	\$50.00
Text Change to Land Development Code	\$850.00	\$850.00
Water/ Sewer Agreement	\$300.00	\$300.00
Voluntary Annexation	\$1,050.00	\$1,050.00
Development of Regional Impact: Amend Development Order	\$1,000.00	\$1,000.00
Development of Regional Impact: New Application	\$5,000.00	\$5,000.00
Re-Plat / Preliminary Plat	\$750.00	\$750.00
Re-Plat / Final Plat	\$850.00	\$850.00
Vacate/ Open Public right-of-way	\$850.00	\$850.00
Telecommunication Towers	\$200.00	\$200.00
Application Fee for Each Revision to PAB Applications (offset of additional display ad fees)	\$300.00	\$300.00
<u>Technical Review Committee</u>		
TRC Engineering Review (consultant hourly rate)	\$125.00	\$125.00
TRC Staff Review Application Fee:	No fee for Pre-application submittals	No fee for Pre-application submittals
Initial Submittal + 2 resubmittals	\$400.00 + 2% of project constr. cost (max. \$3,000.00)	\$400.00 + 2% of project constr. cost (max. \$3,000.00)

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
3 rd and subsequent resubmittals	\$400.00	\$400.00
<u>Tree Removal Permit Fees</u>		
<u>Residential Fees:</u>		
Base Fee, up to 3 trees	\$50.00	\$100.00
Each Additional Tree	\$20.00	\$35.00
<u>Commercial and Other Residential Fees: (Maximum):</u>		
Maximum Fee (less than 5 acres)	\$5,000.00	\$5,000.00
Maximum Fee (greater than 5 acres)	\$10,000.00	\$10,000.00
In Lieu Fee	\$85 per inch (based on planting a 3" tree = \$255)	\$85 per inch (based on planting a 3" tree = \$255)
<u>Zoning Review Permit</u>		
Non-structural fence	\$50.00	\$50.00
Exempted accessory structures (< 12' ridge ht, ≤ 150 s.f., non-aluminum)	\$50.00 (all others require General Building Permit + fees)	\$50.00 (all others require General Building Permit + fees)
Exempted Residential Deck (≤ 12" above grade and ≤ 150 s.f.)	\$50.00 (all others require General Building Permit + fees)	\$50.00 (all others require General Building Permit + fees)
After-the-Fact Zoning Permit	\$100.00	\$100.00
<u>Administrative</u>		
DEP Letter <u>plus 1 Revision</u>	\$50.00	\$100.00
DEP Letter – <u>2nd and later Revisions</u>	\$25.00	\$25.00
Zoning sign off for alcoholic beverage license	\$25.00	\$25.00
Zoning Certification Letter	\$25.00	\$25.00
Due Diligence Letter	\$250.00	\$250.00
Minor Subdivision/ Lot Line Adjustment	\$400.00	\$400.00
Context Sensitive Review Determination	\$250.00	\$250.00
NSF Check Fee	\$40.00	\$40.00
<u>Plan Copies</u>		
Hard Copy of Comprehensive Plan	\$25.00	\$25.00
Land Development Code	\$35.00	\$35.00
CRA Design Guidelines	\$25.00	\$25.00
Design Guidelines for Downtown or Old Town	\$25.00	\$25.00
Oversize Building plans (for delivery to copier)	\$25.00 flat fee + cost of copies	\$25.00 flat fee + cost of copies
<u>Maps</u>		
Map: 8 ½ x 11	\$2.00	\$2.00
Map: 11 x 17	\$5.00	\$5.00
Map: 17 x 22	\$10.00	\$10.00
Map: 24 x 36	\$20.00	\$20.00
Map: 34 x 44	\$40.00	\$40.00
Additional Map copies	1/2 Price	1/2 Price
SHAPE Files	\$35.00	\$35.00

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
<u>Miscellaneous Fees</u>		
Administrative Waiver	\$200.00	\$200.00
Traffic Concurrency (NEFRPC)	\$900.00-\$1,100.00	\$900.00-\$1,100.00
Amendment to Development Order	1/2 of original app. Fee	1/2 of original app. Fee
Planning/Zoning Construction Plan Review	\$50.00	\$50.00
Parking in Lieu Fee	\$1,500.00	\$1,500.00
<u>Temporary Use</u>		
As provided in LDC Section 5.02.00		
Seasonal Sales	\$100.00	\$100.00
Movable Module Storage Units (PODs) (15 day permit)	\$25.00	\$25.00
Construction Trailer / Model Home / Sales Office	\$100.00	\$100.00
Tent Permit (includes Seasonal Fee + Tent Fee + Fire Marshal Fee)	\$100.00 + \$35.00 + \$25.00	\$100.00 + \$35.00 + \$25.00
<u>BUILDING-</u>		
<u>Administrative</u>		
Letters of code determination for building or code/administrative issues provided by the Building Official	\$50.00	\$50.00
Certificate of Occupancy re-issuance for existing structures (inspection required)	\$25.00	\$25.00
Flood Zone Determination Letter	\$25.00	\$25.00
Extended Downtown Public Parking Permit for permitted construction projects	\$15.00/day or \$75.00/week	\$15.00/day or \$75.00/week
NSF Check Fee	\$40.00	\$40.00
Renew expired/revoked permit	25% of original permit fee	25% of original permit fee
Oversize Building plans (for drop-off to Printer)	\$15.00 flat fee + cost of copies	\$15.00 flat fee + cost of copies
<u>Building Code, residential/commercial:</u>		
Jobs less than \$1,000 (no plan review and non-structural)	\$50.00	\$50.00
First \$1,000 of job cost	\$100.00	\$80.00
Plus for each additional \$1,000 of job cost	\$7.00	\$7.00
Driveway Permit	\$35.00	\$35.00
<u>Remodeling</u>		
Jobs less than \$1,000 (no plan review and non-structural)	\$50.00	\$50.00
First \$1,000 of job cost	\$100.00	\$80.00
Plus for each additional \$1,000 of job cost	\$7.00	\$7.00
<u>Plan Review</u>		
	50% of Building Permit cost	50% of Building Permit cost
<u>Foundation Only Permit (no deduction from permit fee)</u>		
	25% of Building Permit cost	25% of Building Permit cost
<u>Fence (structural)</u>		
First \$1,000 of job cost	\$50.00	\$50.00
Plus for each additional \$1,000 of job cost	\$7.00	\$7.00

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
<u>Roofing residential/commercial</u>		
Roofing permits for new construction are separate from the building permit		
Exception: 1 Sq does not require a permit		
Re-roofing or New Roof (all materials)		
First \$2,000 of job cost	\$100.00	\$80.00
Plus for each additional \$1,000 of job cost	\$7.00	\$7.00
<u>Misc Permits</u>		
Siding up to 10 sq.	\$100.00	\$80.00
(over \$1000.00 cost revert to permit schedule fee)	\$100.00 + \$7 for each add'l \$1000	80.00 + 7.00 each additional \$1000
Pre-fab Accessory structures (between 151 SF to 250 SF non-aluminum)	\$35.00 flat fee + Plan review fee	Per ICC Data + Plan Review Fee
Pre-fab Accessory structures (between 250 SF + non-aluminum)	\$75.00 flat fee + Plan review fee	Per ICC Data + Plan Review Fee
After the Fact fee - up to 4 times the Building Permit Fee only		
<u>Plan Revision</u>		
Minimum for up to 3 sheets Per Page	\$25.00	\$25.00
Plus for each sheet over 3	\$5.00	\$5.00
<u>Pre-Review</u>		
Residential	\$125.00	\$150.00
Commercial	\$250.00	\$250.00
<u>Site Infrastructure</u>		
First \$1,000 of job cost	\$100.00	\$80.00
Plus for each additional \$1,000 of job cost	\$7.00	\$7.00
Fire or Storm Damage Determination for power reconnection	\$35.00	\$35.00
Stocking Permit (no occupancy merely stocking merchandise/inventory)	\$50.00	\$50.00
<u>Grade, Excavate & Fill</u>		
First \$1,000 of job cost	\$100.00	\$80.00
Plus for each additional \$1,000 of job cost	\$7.00	\$7.00
<u>Construction Trailer Inspection</u>	\$100.00	\$100.00
<u>Demolition</u>		
Up to \$2,000 job cost	\$100.00	\$100.00
Plus for each additional \$1,000 of job cost	\$7.00	\$7.00
<u>Electrical Code</u>		
Jobs less than \$1,000 (no plan review and requiring only 1 inspection)	\$50.00	
First \$1,000 of job cost	\$100.00	
Plus for each additional \$1,000 of job cost	\$7.00	

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
Single Phase:		
Below 100 Amps		<u>\$60.00</u>
100 Amps		<u>\$70.00</u>
150 Amps		<u>\$80.00</u>
200 Amps		<u>\$90.00</u>
300 Amps		<u>\$105.00</u>
400 Amps		<u>\$115.00</u>
600 Amps		<u>\$125.00</u>
800 Amps		<u>\$140.00</u>
1000 Amps		<u>\$200.00</u>
Three Phase:		
0-150 Amps		<u>\$155.00</u>
151-200 Amps		<u>\$165.00</u>
201-400 Amps		<u>\$195.00</u>
401-600 Amps		<u>\$255.00</u>
601-800 Amps		<u>\$295.00</u>
801-1000 Amps		<u>\$325.00</u>
Interior Wiring or Rewiring:		
Residential		<u>\$80.00</u>
Commercial		<u>\$100.00</u>
Interior Wiring or Rewiring Low Voltage:		
Residential		<u>\$50.00</u>
Commercial		<u>\$50.00</u>
Changeout/Repair - Same Amperage:		
Residential		<u>\$80.00</u>
Commercial		<u>\$100.00</u>
Swimming Pool Wiring:		
Residential		<u>\$50.00</u>
Commercial		<u>\$100.00</u>
Reconnect of Disconnected Service		
Temporary Pole	\$75.00	\$75.00
Electrical Safety Inspection (structures without power > 6 months or if requested by utilities)	\$50.00	\$50.00
Gas Code		
-Jobs less than \$1,000 (no plan review and requiring only 1 inspection)	\$50.00	\$50.00
First \$1,000 of job cost	<u>\$100.00</u>	<u>\$80.00</u>
Installation of tanks	\$75.00	\$75.00
For each appliance	<u>\$15.00</u>	
Mechanical Code		
-Jobs less than \$1,000 (no plan review and requiring only 1 inspection)	\$50.00	
First \$1,000 of job cost	<u>\$100.00</u>	<u>\$80.00</u>
Plus for each additional \$1,000 of job cost	\$7.00	

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
<u>Plumbing Code</u>		
Jobs less than \$1,000 (no plan review and requiring only 1 inspection)	\$50.00	
First \$1,000 of job cost	\$100.00	\$80.00
Plus for each additional \$1,000 of job cost	\$7.00	
Plus:		
Each roughed or plugged waste outlet	\$8.00	\$7.00
Each fixture or appliance set on new or old roughed	\$8.00	\$7.00
Floor, area, or similar drain, or other interceptor or trap	\$7.00	\$7.00
Bar, soda fountain, or similar drain	\$7.00	\$7.00
Sanitary or storm sewer or building drain from fixtures in building connection with septic tank, public sewer or septic tank, public sewer or existing private sewer on lot in excess of ten feet	\$40.00	
Condensation tank or similar device	\$4.00	\$4.00
Air conditioning apparatus	\$3.00	\$3.00
Rainwater leader, cast iron on storm sewer	\$4.00	\$4.00
Water heater, boiler or storage tank, all types	\$5.00	\$5.00
Solar or similar run water heating system	\$50.00	\$50.00
Swimming pool:		
Residential (in-ground)	\$100.00	\$80.00
Residential (above-ground)	\$100.00	\$80.00
Commercial	\$175.00	\$175.00
Landscape sprinkler or irrigation system overhead or underground, for each head or outlet	\$1.50	
Steam or hot water heating system boiler old or new	\$25.00	\$25.00
Pressing machine and/or steam boiler connection	\$25.00	\$25.00
Hose faucet/bib	\$5.00	\$5.00
Sump pump	\$5.00	\$5.00
Ice maker, coffee urn, water supplied appurtenances, and the like	\$6.00	\$6.00
Exception: for multifamily dwellings consisting of three or more units the Plumbing permit for each residential occupancy shall be for each unit (apartment)	\$50.00	
<u>Re-inspection Fees</u>		
Fee for all permit types listed:		
First	\$35.00	\$35.00
Second	\$70.00	\$70.00
Third	\$140.00	\$140.00
<u>Building Permit Refunds</u>		
Prior to 1st Inspection (not including Notice of Commencement)		50% of fee
After 1st Inspection		No Refund

BUSINESS/CODE ENFORCEMENT

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
Dining with Dogs		
Dining with Dogs Initial Permit	\$40.00 one time fee	\$40.00 one time fee
Duplicate Copy of Dining with Dogs Permit	\$25.00	\$25.00
<u>Lien Letters</u>		
Regular request (within 5 business days)	\$20.00	\$20.00
Rush request (within 48 business hours)	\$40.00	\$40.00
<u>Local Business Tax Receipt</u>		
LBTR Fees	See Code Section 74-80	See Code Section 74-80
Duplicate LBTR	\$5.00	\$5.00
Penalty for opening a business without application of LBTR	\$250.00 + cost of LBTR	\$250.00 + cost of LBTR
<u>Resort Rental Dwelling Permit</u>		
New application	\$300.00	\$300.00
Annual Renewal	\$200.00	\$200.00
Duplicate Permit	\$5.00	\$5.00
Yearly Inspection	\$150.00	\$150.00
Penalty for Short Term Rental without a Permit	\$1,000.00	\$1,000.00
<u>Right of Way Encroachment</u>		
	\$35.00 annually	\$35.00 annually
<u>Right of Way Use Permits</u>		
Underground Cable	\$50.00	\$50.00
Poles (each)	\$5.00	\$5.00
Paved Pavement Cuts	\$100.00	\$100.00
Unpaved Pavement Cuts	\$50.00	\$50.00
Jack and Bore	\$100.00	\$100.00
Landscaping	\$35.00	\$35.00
<u>Right of Way Removal Fee - Unpermitted Items in ROW</u>		
(not including signs)	\$100.00 flat fee	\$100.00 flat fee
<u>Signs</u>		
Value of sign:		
\$0-\$100.00	\$60.00	\$60.00
\$101.00-\$500.00	\$70.00	\$70.00
\$501.00-\$1,000.00	\$80.00	\$80.00
plus for each \$1,000.00	\$7.00	\$7.00
30-Day Temporary Banner	\$30.00	\$30.00
Pickup of Illegal Signs	\$25.00	\$25.00
Centre Street Directional Sign	\$20.00	\$20.00
<u>Vehicle for Hire</u>		

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
Vehicle for Hire: Fernandina Beach-based or Not Permitted by Another Jurisdiction (Medallion, Drivers ID Card, and Permit per vehicle/per driver)	\$150.00 initial application per vehicle	\$150.00 initial application per vehicle
Renewals for Vehicle for Hire: Fernandina Beach-based or Not Permitted by Another Jurisdiction (Medallion, Drivers ID Card, and Permit per vehicle/per driver)	\$150.00 annually per vehicle	\$150.00 annually per vehicle
Vehicle for Hire: Permitted in another jurisdiction (registration and medallion)	\$75.00 initial application per vehicle	\$75.00 initial application per vehicle
Renewals for Vehicle for Hire: Permitted in another jurisdiction (registration and medallion)	\$75.00 per vehicle annually	\$75.00 per vehicle annually
Driver ID Card	\$50.00 per driver annually	\$50.00 per driver annually
Duplicate Medallion	\$40.00 per vehicle	\$40.00 per vehicle
Duplicate Permit	\$35.00 per vehicle	\$35.00 per vehicle
Duplicate Driver ID Cards	\$35.00 per driver	\$35.00 per driver
<u>Street Performers</u>		
Individual or Group	\$300.00	\$300.00
Renewals	\$300.00 annually	\$300.00 annually
<u>Street Artist</u>		
Renewals	\$300.00 annually	\$300.00 annually

Fire Department

Permits and Fees: A fee in accordance with the following schedule shall be paid to the Community Development Department at the time of permit issuance for:

- (1) Renewable Permit
- (2) Installation, Removal, or Alteration Permit
- (3) Activity Permit
- (4) Other Service
- (5) Hazardous Materials Storage Permit

Such fees shall not be refunded upon failure of an application to receive the permit. Failure to apply for necessary permits or service can result in an order from the fire marshal to obtain a permit or service.

(1) Permit Fees. When a permit is required pursuant to NFPA 1 of the Florida Fire Prevention Code the fees in Table F-1 shall be paid.

Table F-1	<u>Current Fee:</u>	<u>Proposed Fee:</u>
Aircraft Fuel Servicing	\$50.00	\$50.00
Aircraft Hangars	\$50.00	\$50.00
Aircraft Refueling Vehicles	\$50.00	\$50.00
Asbestos Removal	\$100.00	\$100.00
Automatic Fire Suppression System	\$50.00	\$50.00
Automobile Wrecking Yards	\$50.00	\$50.00
Automotive Fuel Servicing	\$50.00	\$50.00
Battery System	\$50.00	\$50.00
Candles, Open Flames and Portable Cooking	\$50.00	\$50.00
Combustible Fibers	\$100.00	\$100.00
Combustible Material Storage	\$100.00	\$100.00
Commercial Rubbish-Handling Operation	\$100.00	\$100.00
Compressed Gasses	\$100.00	\$100.00
Consumer Sparklers	\$100.00	\$100.00
Covered Mall Buildings	\$50.00	\$50.00
Cryogenics	\$100.00	\$100.00
Cutting and Welding Operations	\$50.00	\$50.00
Display Fireworks	\$100.00	\$100.00
Dry Cleaning Plants	\$50.00	\$50.00
Dust Producing Operations	\$100.00	\$100.00
Explosives	\$100.00	\$100.00
Fire Apparatus Access Roads	\$25.00	\$25.00
Fire Hydrants and Water Control Valves	\$25.00	\$25.00
Fire Pumps and Related Equipment	\$60.00	\$60.00
Flame Effects	\$100.00	\$100.00
Flammable and Combustible Liquids	\$100.00	\$100.00
General Storage	\$25.00	\$25.00
Grandstands, Bleachers, and Folding and Telescopic Seating	\$25.00	\$25.00
Hazardous Materials	\$100.00	\$100.00
High Piled Combustible Storage	\$50.00	\$50.00
Hot Work Operations	\$50.00	\$50.00
Industrial Ovens and Furnaces	\$50.00	\$50.00
Laboratories	\$100.00	\$100.00
Liquefied Petroleum Gases	\$50.00	\$50.00
Liquid or Gas-Fueled Vehicles	\$50.00	\$50.00
Lumberyards & Woodworking Plants	\$50.00	\$50.00
Marine Craft Fuel Servicing	\$50.00	\$50.00
Membrane Structures, Tents and Canopies (Up to 4, same applicant)	\$25.00	\$25.00
Oil and Gas-fueled Heating Appliances	\$5.00	\$5.00
Open Burning	\$200.00	\$200.00

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
Open Fires	\$100.00	\$100.00
Outside Storage of Tires	\$50.00	\$50.00
Oxidizers	\$100.00	\$100.00
Parade Floats	\$25.00	\$25.00
Places of Assembly	\$100.00	\$100.00
Private Fire Hydrants	\$50.00	\$50.00
Pre-engineered System	\$50.00	\$50.00
Repair Garages and Service Stations	\$50.00	\$50.00
Solvent Extraction	\$50.00	\$50.00
Spraying or Dipping Flammable Finishes	\$100.00	\$100.00
Standpipe Systems / Underground	\$100.00	\$100.00
Special Outdoor Events, Carnivals, and Fairs	\$50.00	\$50.00
Tar Kettles	\$50.00	\$50.00
Tire Storage	\$50.00	\$50.00
Torch Applied Roofing Operation	\$50.00	\$50.00
Wildland Fire-Prone Operation	\$50.00	\$50.00
Wood Products	\$50.00	\$50.00

(2) Plan Review/Inspection Fees. When an inspection or plan review is conducted by the Fire Department to ensure proper design, installation, or permit compliance, the following fees in Table F-2 shall apply.

Table F-2		
Site Plan Review (Technical Review Committee)	\$100.00	\$100.00
General Commercial Plan Review (including rough and final inspections)	45% of the bldg permit fee	45% of the bldg permit fee
Fire Alarm System Review		
Min. fee including 10 devices	\$60.00	\$60.00
System with > 10 devices	\$60.00 + \$1.50/add. device	\$60.00 + \$1.50/add. device
Fire Sprinkler System Review		
Min. fee including up to 50 heads	\$80.00	\$80.00
System with > 50 heads	\$80.00 + \$1.00/add. head	\$80.00 + \$1.00/add. head
Other Trades:		
Ventilation Control Systems Review (Fire Hoods)	\$60.00	\$60.00
Automatic Fire Suppression System Review (Fire Hoods)	\$60.00	\$60.00
L.P. Gas / Natural Gas Installation Review	\$50.00	\$50.00
Flammable/Combustible Liquid Installation Review	\$50.00	\$50.00
Temporary Tank Installation/Review	\$50.00	\$50.00
<i>Penalty for starting work w/out a Fire Marshal permit</i>	<i>2 X permit fee</i>	<i>2 X permit fee</i>
Re-submittals		
<i>1st re-submittal</i>	<i>No charge</i>	<i>No charge</i>
<i>2nd re-submittal</i>	<i>\$110.00</i>	<i>\$110.00</i>
<i>3rd re-submittal</i>	<i>4 X original</i>	<i>4 X original</i>
Re-inspection		
<i>1st re-inspection</i>	<i>\$55.00</i>	<i>\$55.00</i>
<i>Each additional thereafter</i>	<i>\$110.00</i>	<i>\$110.00</i>
After hours, weekend, or holiday inspections		
<i>2 hr. Min. fee paid in advance</i>	<i>\$110.00</i>	<i>\$110.00</i>
<i>Additional hourly fee</i>	<i>\$55.00</i>	<i>\$55.00</i>
Local Business Tax Receipt (LBTR) Inspection	\$25.00 min.	\$25.00
Facility > 3,000 sq ft	\$25.00 + \$7.00/1,000 sq ft	
Sq. Ft. up to \$300.00 max.		

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
Annual, Periodic & Mandated State Inspections (Group homes, daycare, counseling centers, restaurants, gas stations, etc.)	\$50.00 min.	\$50.00 min.
Facility > 3,000 sq ft	\$50.00+ \$7.00/1,000 sq ft \$300.00 Max.	\$50.00+ \$7.00/1,000 sq ft \$300.00 Max.
Address Assignment	\$10.00	\$10.00

(3) Activity Permits. An inspection and plan review is required by the Fire Department to ensure proper design, installation, or permit compliance. A separate permit for a specific period of time shall be obtained for each location where such activities are performed; the activities and fees in Table F-3 shall apply.

Table F-3

Special Event Fire & Lifesafety Inspection	\$25.00	\$25.00
Carnivals and Fairs	\$50.00	\$50.00
Exhibit and Trade Shows	\$50.00	\$50.00
Pyrotechnics before a proximate audience	\$100.00	\$100.00
Pyrotechnic Location Plan Review	\$50.00	\$50.00
Temporary Sale of Sparklers Plan Review	\$50.00	\$50.00

(4) Fees for Other Services. When other services by the Fire Department are requested or required, the fees in Table F-4 shall be paid.

Table F-4

Fire/Rescue Standby Fee (Special Event)	3 Hour Minimum (for personnel)	3 Hour Minimum (for personnel)
Fire Engine	\$50.00/hr	\$50.00/hr
Rescue Unit	\$40.00/hr	\$40.00/hr
Mini Emergency Response Vehicle (MERV)	\$20.00/hr	
Personnel (Firefighter/Paramedic/EMT)	\$30.00/hr	\$30.00/hr
Ocean Rescue Lifeguard Standby	2 Guard - 3 Hour Minimum	2 Guard - 3 Hour Minimum
Ocean Rescue Lifeguard	\$15.00/hr	\$15.00/hr
<i>*1 guard/35 swimmers during events*</i>		
EMS Transport Billing		
Basic Life Support (BLS)	\$470.00	\$470.00
Advanced Life Support (ALS) 1	\$635.00	\$635.00
Advanced Life Support (ALS) 2	\$660.00	\$660.00
Mileage	\$10.00/mile	\$10.00/mile

(5) Annual Hazardous Materials Storage Permit Fee. The annual fee is \$100.00 per facility based on hazardous materials stored and identified by Code.

Table F-5

Annual Hazardous Materials Storage Permit Fee	\$100.00	\$100.00
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FERNANDINA BEACH GOLF CLUB:

	<u>Current Fee:</u>	<u>With 7% Tax</u>	<u>Proposed Fee:</u>	<u>With 7% Tax</u>
<u>Daily Fees</u>				
Member Walk Fee (Per 9)	\$3.27	\$3.50	<u>\$4.00</u>	<u>\$4.28</u>
Member Walk Fee (Per 18)	\$6.54	\$7.00	<u>\$8.00</u>	<u>\$8.56</u>
<u>Daily Greens Fees</u>				
Junior Green Fee (Per 18)	\$11.21	\$12.00	<u>\$12.00</u>	<u>\$12.84</u>
Junior Green Fee (Per 9)	\$5.60	\$6.00	<u>\$6.00</u>	<u>\$6.42</u>
Weekday (Per 9)	\$14.02	\$15.00	<u>\$15.00</u>	<u>\$16.05</u>
Weekday (Per 18)	\$17.76	\$19.00	<u>\$19.00</u>	<u>\$20.33</u>
Weekend (Per 9)	\$18.69	\$20.00	<u>\$20.00</u>	<u>\$21.40</u>
Weekend (Per 18)	\$25.23	\$27.00	<u>\$24.00</u>	<u>\$25.68</u>
<u>Driving Range</u>				
Small	\$2.80	\$3.00	<u>\$3.74</u>	<u>\$4.00</u>
Medium	\$5.61	\$6.00		
Large	\$9.35	\$10.00	<u>\$6.54</u>	<u>\$7.00</u>
<u>Club Rentals</u>				
Junior	\$15.00	\$16.05	\$15.00	\$16.05
9 Holes	\$20.00	\$21.40	\$20.00	\$21.40
18 Holes	\$30.00	\$32.10	\$30.00	\$32.10
<u>Membership (A)</u>				
<ul style="list-style-type: none"> Reserve tee times 14 days prior to playing \$20.00 member fee (18 holes) \$15.00 Twilight Member Fee \$10.50 <u>\$10.00</u> member fee (9 holes) \$7.00 <u>\$8.00</u> walking fee (18 holes) \$3.50 <u>\$4.00</u> walking fee (9 holes) 20% off non-sale items in Pro Shop (Soft Goods) 10% off non-sale items in Pro Shop (Hard Goods) 10% off Food & Beverage 4 <u>2</u> Free Guest Passes 50% off Range Balls Monthly Member Loyalty Calendar Member Event Calendar 				
Junior / City Resident (Annual)	\$116.82	\$125.00	<u>\$125.00</u>	<u>\$133.75</u>

	<u>Current Fee:</u>	<u>With 7% Tax</u>	<u>Proposed Fee:</u>	<u>With 7% Tax</u>
Senior / City Resident (Annual)	\$537.38	\$575.00	<u>\$600.00</u>	<u>\$642.00</u>
(Monthly dues)	\$50.00	\$53.50	<u>\$52.00</u>	<u>\$55.64</u>
Single / City Resident (Annual)	\$607.48	\$650.00	<u>\$675.00</u>	<u>\$722.25</u>
(Monthly dues)	\$55.00	\$58.85	<u>\$57.00</u>	<u>\$60.99</u>
Couple City Resident (Annual)	\$911.21	\$975.00	<u>\$1,025.00</u>	<u>\$1,096.75</u>
(Monthly dues)	\$85.00	\$90.95	<u>\$89.00</u>	<u>\$95.23</u>
Senior Couple City Resident (Annual)	\$817.76	\$875.00	<u>\$925.00</u>	<u>\$989.75</u>
(Monthly dues)	\$75.00	\$80.25	<u>\$79.00</u>	<u>\$84.53</u>
Junior / Non Resident (Annual)	\$163.55	\$175.00	<u>\$175.00</u>	<u>\$187.25</u>
Senior / Non Resident (Annual)	\$630.84	\$675.00	<u>\$700.00</u>	<u>\$749.00</u>
(Monthly dues)	\$60.00	\$64.20	<u>\$64.00</u>	<u>\$68.48</u>
Single / Non Resident (Annual)	\$700.93	\$750.00	<u>\$775.00</u>	<u>\$829.25</u>
(Monthly dues)	\$65.00	\$69.55	<u>\$67.00</u>	<u>\$71.69</u>
Couple Non Resident (Annual)	\$1,004.67	\$1,075.00	<u>\$1,125.00</u>	<u>\$1,203.75</u>
(Monthly dues)	\$95.00	\$101.65	<u>\$99.00</u>	<u>\$105.93</u>
Senior Couple Non Resident (Annual)	\$903.74	\$975.00	<u>\$1,025.00</u>	<u>\$1,096.75</u>
(Monthly dues)	\$85.00	\$90.95	<u>\$89.00</u>	<u>\$95.23</u>
(Monthly dues requires one year contract)				

Membership (B)

Beach Card	\$59.99	\$64.19	\$59.99	\$64.19
<ul style="list-style-type: none"> • Reserve tee times 7 days in advance of playing • 18 holes/cart - \$29.00 • 18 holes/cart after twilight (1 PM) - \$24.00 • 18 holes walking - \$18.00 • 9 holes/cart - \$20.00 • 9 holes walking - \$12.00 				

Membership (C)

Unlimited Golf	\$3,000.00	\$3,210.00	<u>\$3,500.00</u>	<u>\$3,745.00</u>
Unlimited Range Balls				
(Monthly)	\$272.50	\$291.58	<u>\$280.00</u>	<u>\$299.60</u>
(Monthly dues requires one year contract)				

Membership (D)

Player Development Program				
<ul style="list-style-type: none"> • Unlimited Range Balls everyday • \$14 cart fee only golf everyday after twilight 				
Single (billed monthly)	\$29.99	\$32.09	\$29.99	\$32.09
Member Pricing (Unlimited Range balls) <u>Annually</u>	<u>\$9.99</u>	<u>\$10.69</u>	<u>\$100.00</u>	<u>\$107.00</u>

	<u>Current Fee:</u>	<u>With 7% Tax</u>	<u>Proposed Fee:</u>	<u>With 7% Tax</u>
<u>Cart Fees</u>				
Cart Fee (Per 9)	\$9.81	\$10.50	<u>\$10.00</u>	<u>\$10.70</u>
Cart Fee (Per 18)	\$19.62	\$21.00	<u>\$20.00</u>	<u>\$21.40</u>
<u>Employee Fees</u>				
City Employee Fee (Per 9)	\$9.81	\$10.50	<u>\$11.00</u>	<u>\$11.77</u>
City Employee Fee (Per 18)	\$19.62	\$21.00	<u>\$20.00</u>	<u>\$21.40</u>
City Employee Walking Fee (per 9)	\$3.27	\$3.50	<u>\$4.00</u>	<u>\$4.28</u>
All regular full-time employees and retired employees with 25 years of service are eligible to play golf (w/cart) at the City Course with a surcharge per eighteen holes played. This privilege is subject to availability.				
<u>Surcharge Fee (Per 9 Holes)</u>	\$0.46	\$0.50		
<u>Banquet Facility Rental:</u>				
Up to 50 People	\$280.37	\$300.00	<u>\$300.00</u>	<u>\$321.00</u>
51 to 100 people	\$373.83	\$400.00	<u>\$400.00</u>	<u>\$428.00</u>
Over 100 people	\$467.29	\$500.00	<u>\$500.00</u>	<u>\$535.00</u>
<u>Conference Room:</u>				
½ day rental (4 hours or less)	\$93.46	\$100.00	<u>\$50.00</u>	<u>\$53.50</u>
Full day (4 hours more)	\$186.92	\$200.00	<u>\$100.00</u>	<u>\$107.00</u>
<u>Dance Floor</u>	\$140.19	\$150.00	<u>\$150.00</u>	<u>\$160.50</u>
<u>Ceremony Fee</u>			<u>\$500.00</u>	<u>\$535.00</u>

IMPACT FEES:

Type of Development	Current Fee:	Proposed Fee:	Current Fee:	Proposed Fee:
	Residential Development Per FT ² of Heated Area		Non-Residential Development per FT ² of Floor Area	
Fire Protection	\$0.29	\$0.29	\$0.29	\$0.29
Police Protection	\$0.15	\$0.15	\$0.15	\$0.15
Parks & Recreation	\$1.95	\$1.95	\$0.00	\$0.00
Public Facilities	\$0.40	\$0.40	\$0.40	\$0.40
Total	\$2.78	\$2.78	\$0.83	\$0.83

FERNANDINA HARBOR MARINA:

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
<u>Recreational Vessel Dockage Rates:</u>		
Daily – Internal Slips	\$ 1.25/foot	\$ 1.25/foot
Daily – Breakwater	\$ 2.00/foot	\$ 2.00/foot
Short-Term/Hourly	\$ 0.20/foot/3hour	\$ 0.20/foot/3hour
Weekly – Internal Slips	\$ 6.50/foot	\$ 6.50/foot
Weekly – Breakwater	\$10.50/foot	\$10.50/foot
Monthly - Internal Slips	\$13.50/foot	\$13.50/foot
* Breakwater	\$16.75/foot	\$16.75/foot

**Breakwater monthly dockage is only available in the off-season (to be determined by Marina)*

Mooring Fees:

Daily:	\$ 20.00/vessel	\$ 20.00/vessel
Weekly:	\$ 105.00/vessel	\$ 105.00/vessel
Monthly:	\$ 360.00/vessel	\$ 360.00/vessel

Commercial Vessels Premium:

(A commercial vessel is defined as a vessel registered as a commercial vessel and/or picking up 10% premium charged on all categories of dockage)

Commercial Access Fee (for daily, pick-up and drop-off):

Daily dockage rate PLUS Access Fee as follows:

Vessels up to 45 feet	\$15.00/per day	\$15.00/per day
Vessels 46 feet and over	\$ 2.25/foot/per day	\$ 2.25/foot/per day
Annual dockage rate for Vessels up to 45 feet	\$60.00	\$60.00

Live Aboard:

Monthly (two-person maximum)	\$200.00/month	\$200.00/month
Additional cost per person	\$100.00/month	\$100.00/month

<u>Dingy Dockage:</u>	<u>Current Fee:</u>	<u>Proposed Fee:</u>	<u>Current Fee:</u>	<u>Proposed Fee:</u>	<u>Current Fee:</u>	<u>Proposed Fee:</u>
(Vessels up to 10 feet maximum)	Daily	Daily	Weekly	Weekly	Monthly	Monthly
Dockage Only	\$3.00	\$3.00	\$15.00	\$15.00	\$50.00	\$50.00
With Showers	\$7.00	\$7.00	\$35.00	\$35.00	\$90.00	\$90.00
With Captain's Lounge Access ADD	\$10.00	\$10.00	\$50.00	\$50.00	\$145.00	\$145.00

Utilities:

<u>ELECTRICITY</u>	<u>Current Fee:</u>	<u>Proposed Fee:</u>	<u>Current Fee:</u>	<u>Proposed Fee:</u>
	110volt/30amp		220v/50a	
Daily	\$5.00	\$5.00	\$10.00	\$10.00
Weekly	\$30.00	\$30.00	\$60.00	\$60.00
Monthly	Per Meter	Per Meter	Per Meter	Per Meter
Live-Aboard	Per Meter	Per Meter	Per Meter	Per Meter

Merchandise/Docking Agreement/Events:

The City Manager or his designee shall be authorized, and is responsible for the establishment of operational procedures for marina services, merchandise, and berthing agreements that are not otherwise provided herein, including the following:

1. Fuel prices and quantity discounts;
2. Concession and mooring pricing;
3. Dockage and mooring agreements and seasonal discount pricing;
4. Special events, holidays, and high demand daily and weekly dockage and mooring pricing;
5. Special commercial activity, not defined in the standard fees;
6. Merchandise pricing and incentive discount pricing;
7. Live-aboard surcharge;
8. All other items not specifically addressed herein, necessary for the effective and profitable

SECTION 1.

Vessels will be assessed, and shall pay, the approved fees and rates as described herein, unless otherwise exempted by the City Commission with a franchise agreement.

SECTION 2.

All dockage and mooring rates and fees shall be determined increase annually, based on the CONSUMER PRICE INDEX (CPI), Southern Region. All other fees, (including, but not limited to electricity) shall be increased based on current market and economic conditions.

PARKS AND RECREATION

Program:

Current Fee:

Proposed Fee:

AQUATICS

Pool

Daily public swim:	\$3.00 City	\$3.00 City
	\$5.00 Non-City	\$5.00 Non-City
Daily lap swim	\$3.00 City	\$3.00 City
	\$5.00 Non-City	\$5.00 Non-City
Individual monthly pool pass	\$30.00 City	\$30.00 City
	\$38.00 Non-City	\$38.00 Non-City
Couples monthly pool pass	\$55.00 City	<u>\$50.00 City</u>
	\$69.00 Non-City	<u>\$63.00 Non-City</u>
Family monthly pool pass	\$70.00 City	<u>\$65.00 City</u>
	\$88.00 Non-City	<u>\$81.00 Non-City</u>
Individual 4 month pool pass	\$90.00 City	\$90.00 City
	\$113.00 Non-City	\$113.00 Non-City
Couples 4 month pool pass	\$150.00 City	\$150.00 City
	\$188.00 Non-City	\$188.00 Non-City
Family 4 month pool pass	\$195.00 City	\$195.00 City
	\$244.00 Non-City	\$244.00 Non-City
<u>Individual 12 month pool pass</u>		<u>\$225.00 City</u>
		<u>\$281.00 Non-City</u>
<u>Couple 12 month pool pass</u>		<u>\$375.00 City</u>
		<u>\$469.00 Non-City</u>
<u>Family 12 month pool pass</u>		<u>\$488.00 City</u>
		<u>\$610.00 Non-City</u>

Pool Rental

Private pool rental, 2hrs	City \$90.00 (\$35.00 each addl. Hr) 1 guard	City \$90.00 (\$35.00 each addl. Hr) 1 guard
	City \$110.00 (\$45.00 each addl. Hr) 2 guards	City \$110.00 (\$45.00 each addl. Hr) 2 guards
	City \$130.00 (\$55.00 each addl. Hr) 3 guards	City \$130.00 (\$55.00 each addl. Hr) 3 guards
Private pool rental, 2hrs	Non-City \$113.00 (\$46.00 each addl. Hr) 1 guard	Non-City \$113.00 (\$46.00 each addl. Hr) 1 guard
	Non-City \$138.00 (\$59.00 each addl. Hr) 2 guards	Non-City \$138.00 (\$59.00 each addl. Hr) 2 guard:
	Non-City \$163.00 (\$71.00 each addl. Hr) 3 guards	Non-City \$163.00 (\$71.00 each addl. Hr) 3 guard:

Swim Lessons

Swim lessons, levels 1 and 2 and stroke clinics (1 wk.)	\$40.00 City	\$40.00 City
	\$50.00 Non-City	\$50.00 Non-City
Swim lessons, levels 3 and 4 (2 wks.)	\$55.00 City	\$55.00 City
	\$68.00 Non-City	\$68.00 Non-City
Private swim lessons, 1 session	\$20.00 City	<u>\$25.00 City</u>

<u>Program:</u>	<u>Current Fee:</u>	<u>Proposed Fee:</u>
Private swim lessons, 4 sessions	\$25.00 Non-City \$60.00 City	\$31.00 Non-City \$75.00 City
Private swim lessons, 8 sessions	\$75.00 Non-City \$100.00 City \$125.00 Non-City	\$94.00 Non-City
Aquatic Camps		
Junior lifeguard program 9am to 4pm / 1 week	\$150.00 City \$188.00 Non-City	
Water Aerobics		
Daily water aerobics, 1 class	\$5.00 City \$6.00 Non-City	\$5.00 City \$6.00 Non-City
Monthly water aerobics (1 class per day, any class)	\$50.00 City \$63.00 Non-City	\$50.00 City \$63.00 Non-City
Monthly water aerobics (2 classes per day, any classes)	\$60.00 City \$75.00 Non-City	\$65.00 City \$81.00 Non-City
Monthly water aerobics, MW pm classes only		\$30.00 City \$38.00 Non-City
POOL/WEIGHT ROOM COMBINATIONS		
Fitness-Weight Room/Pool Pass 1 Month Individual	\$45.00 City \$56.00 Non-City	\$45.00 City \$56.00 Non-City
Fitness-Weight Room/Pool Pass 1 Month Couple	\$65.00 City \$74.00 Non-City	\$65.00 City \$74.00 Non-City
Fitness-Weight Room/Pool Pass 1 Month Family	\$85.00 City \$105.00 Non-City	\$85.00 City \$105.00 Non-City
Fitness-Weight Room/Pool Pass 4 Month Individual	\$140.00 City \$175.00 Non-City	\$135.00 City \$169.00 Non-City
Fitness-Weight Room/Pool Pass 4 Month Couple	\$225.00 City \$280.00 Non-City	\$225.00 City \$281.00 Non-City
Fitness-Weight Room/Pool Pass 4 Month Family	\$255.00 City \$315.00 Non-City	\$275.00 City \$344.00 Non-City
Fitness-Weight Room/Pool Pass 12 Month Individual	\$380.00 City \$475.00 Non-City	\$338.00 City \$423.00 Non-City
Fitness-Weight Room/Pool Pass 12 Month Couple	\$585.00 City \$725.00 Non-City	\$563.00 City \$704.00 Non-City
Fitness-Weight Room/Pool Pass 12 Month Family	\$715.00 City \$890.00 Non-City	\$735.00 City \$919.00 Non-City
WATER AEROBIC/WEIGHT ROOM COMBINATIONS		
Monthly Water Aerobic/Weight Room Pass	\$65.00 City \$81.00 Non-City	\$65.00 City \$81.00 Non-City

<u>Program:</u>	<u>Current Fee:</u>	<u>Proposed Fee:</u>
Monthly Water Aerobic(2)/Weight Room Pass	\$75.00 City \$93.00 Non-City	<u>\$80.00 City</u> <u>\$100.00 Non-City</u>
Monthly Water Aerobic/Weight Room Pass M/W ONLY	\$45.00 City	\$45.00 City
Monthly Water Aerobic/Weight Room Pass M/W ONLY	\$56.00 Non-City	\$56.00 Non-City
FITNESS ROOMS		
Atlantic Fitness Room/Peck weight room daily use	\$3.00 City \$5.00 Non-City	\$3.00 City \$5.00 Non-City
Atlantic Fitness Room/Peck Weight Room 1 Month Individual	\$25.00 City \$31.00 Non-City	\$25.00 City \$31.00 Non-City
<u>Atlantic Fitness Room/Peck Weight Room 1 Month Couple</u>		<u>\$33.00 City</u> <u>\$41.00 Non-City</u>
<u>Atlantic Fitness Room/Peck Weight Room 1 Month Family</u>		<u>\$45.00 City</u> <u>\$56.00 Non-City</u>
Atlantic Fitness Room/Peck Weight Room 4 Month Individual	\$75.00 City \$94.00 Non-City	\$75.00 City \$94.00 Non-City
<u>Atlantic Fitness Room/Peck Weight Room 4 Month Couple</u>		<u>\$99.00 City</u> <u>\$124.00 Non-City</u>
<u>Atlantic Fitness Room/Peck Weight Room 4 Month Family</u>		<u>\$135.00 City</u> <u>\$169.00 Non-City</u>
Atlantic Fitness Room/Peck Weight Room 12 Month Individual	\$180.00 City \$225.00 Non-City	<u>\$188.00 City</u> <u>\$235.00 Non-City</u>
<u>Atlantic Fitness Room/Peck Weight Room 12 Month Couple</u>		<u>\$248.00 City</u> <u>\$310.00 Non-City</u>
<u>Atlantic Fitness Room/ Peck Weight Room 12 Month Family</u>		<u>\$338.00 City</u> <u>\$423.00 Non-City</u>
Scuba		
Try Diving Experience, Individual	\$50.00 City \$62.00 Non-City	\$50.00 City \$62.00 Non-City
<u>Try Diving Experience, Couple (friend or family)</u>		<u>\$80.00 City</u> <u>\$100.00 Non-City</u>
<u>Try Diving Experience, Group, up to 6 (friend or family)</u>		<u>\$150.00 City</u> <u>\$188.00 Non-City</u>
<u>PADI Open Water Scuba, standard course</u>		<u>\$275.00 all (competitive with local shops)</u>
<u>PADI Open Water Scuba, eLearner</u>		<u>\$205.00 all</u>
CEMETERY		
Cemetery lots	\$1,200.00 City \$1,500.00 Non-City	\$1,200.00 City \$1,500.00 Non-City
Deed Transfer Fee	\$25.00	\$25.00
Burial Permits (includes disinterment)	\$40.00	\$40.00

Program:
Monument Permits

Current Fee:
\$40.00

Proposed Fee:
\$40.00

GYM/BASKETBALL CLINICS

Youth-basketball-clinics	\$25.00 City \$31.25 Non-City	
Daily gym use	\$2.00 City \$5.00 Non-City	\$2.00 City \$5.00 Non-City

RENTALS

Rooms

Atlantic auditorium commercial full day	\$950.00/Includes Kitchen	\$975.00/Includes kitchen and wifi
Atlantic auditorium commercial half day	\$600.00/Includes Kitchen	\$625.00/Includes kitchen and wifi
Atlantic auditorium private full day	\$475.00/Includes Kitchen City \$594.00/Includes Kitchen Non-City	\$500.00/includes kitchen and wifi \$625.00/includes kitchen and wifi
Atlantic auditorium private half day	\$325.00/Includes Kitchen City \$406.00/Includes Kitchen Non-City	\$350.00/includes kitchen and wifi \$438.00/includes kitchen and wifi
Atlantic auditorium civic full day	\$250.00/Includes Kitchen	\$275.00/includes kitchen and wifi
Atlantic auditorium civic half day	\$200.00/Includes Kitchen	\$225.00/includes kitchen and wifi
MLK auditorium commercial full day	\$525.00/Includes Kitchen	\$550.00/ includes kitchen and wifi
MLK auditorium commercial half day	\$375.00/Includes Kitchen	\$395.00/includes kitchen and wifi
MLK auditorium private full day	\$275.00/Includes Kitchen City \$344.00/Includes Kitchen Non-City	\$290.00/includes kitchen and wifi City \$363.00/includes kitchen and wifi Non-City
MLK auditorium private half day	\$200.00/Includes Kitchen City \$250.00/Includes Kitchen Non-City	\$210.00/includes kitchen and wifi City \$263.00/includes kitchen and wifi Non-City
MLK auditorium civic full day	\$175.00/Includes Kitchen	\$185.00/includes kitchen and wifi
MLK auditorium civic half day	\$125.00/Includes Kitchen	\$131.00/includes kitchen and wifi
Peck gym commercial full day	\$600.00	\$600.00
Peck gym commercial half day	\$350.00	\$350.00
Peck gym private full day	\$275.00 City \$344.00 Non-City	\$275.00 City \$344.00 Non-City
Peck gym private half day	\$200.00 City \$250.00 Non-City	\$200.00 City \$250.00 Non-City
Peck gym civic full day	\$150.00	\$150.00
Peck gym civic half day	\$100.00	\$100.00
Peck reception commercial full day	\$300.00	\$300.00
Fitness-Weight Room/Pool Pass 4 Month Individual	\$140.00 City \$175.00 Non-City	<u>\$135.00 City</u> <u>\$169.00 Non-City</u>
Fitness-Weight Room/Pool Pass 4 Month Couple	\$225.00 City \$280.00 Non-City	<u>\$225.00 City</u> <u>\$281.00 Non-City</u>
Fitness-Weight Room/Pool Pass 4 Month Family	\$255.00 City \$315.00 Non-City	<u>\$275.00 City</u> <u>\$344.00 Non-City</u>

Program:	Current Fee:	Proposed Fee:
Peck reception civic half day	\$45.00	\$45.00
Peck auditorium commercial full day	\$665.00	<u>\$500.00</u>
Peck auditorium commercial half day	\$420.00	<u>\$300.00</u>
Peck auditorium private full day	\$300.00 City	<u>\$250.00 City</u>
	\$375.00 Non-City	<u>\$313.00 Non-City</u>
Peck auditorium private half day	\$225.00 City	<u>\$200.00 City</u>
	\$281.00 Non-City	<u>\$250.00 Non-City</u>
Peck auditorium civic full day	\$150.00	\$150.00
Peck auditorium civic half day	\$80.00	\$80.00
Kitchen	Kitchen included in MLK and Atlantic Auditorium Ren	Kitchen included in MLK and Atlantic Auditorium
Sound system (Atlantic and Peck Auditorium)	\$50.00/day	\$50.00/day
Event Fencing	\$150.00, \$1 per linear foot, minium 150 feet	\$150.00, \$1 per linear foot, minium 150 feet
Athletic Fields		
Commercial rate		<u>\$300.00/field</u>
Private use day	\$65.00 City	<u>\$75.00/field City</u>
	\$78.00 Non-City	<u>\$94.00/field Non-City</u>
Private use day (lined)	\$100.00 City	
	\$125.00 Non-City	
Private use night (includes lighting)	\$150.00 City/field includes lights	\$150.00 City/field includes lights
	\$188.00 Non-City/field includes lights	\$188.00 Non-City/field includes lights
Private use night (lined)	\$200.00 City	
	\$250.00 Non-City	
Lights	\$17.00/hour	\$17.00/hour
Marquee	\$10.00/day/side (upon availability only)	\$10.00/day/side (upon availability only)
Attendant fee	\$20.00/hour	\$20.00/hour
Park Pavilions, Green Space, Parking Lots		
Park pavilions full day	\$50.00 / Central, Seaside, MLK, N. Beach, and Nature Center (City)	<u>\$50.00 City</u>
	\$63.00 / Central, Seaside, MLK, N. Beach, and Nature Center (Non-City)	<u>\$63.00 Non-City</u>
Park pavilions half day	\$25.00 / Central, Seaside, MLK, N. Beach, and Nature Center (City)	<u>\$25.00 City</u>
	\$31.00 / Central, Seaside, MLK, N. Beach, and Nature Center (Non-City)	<u>\$31.00 Non-City</u>
Open/Green Space Half Day Private Use	\$50.00 City	<u>\$100.00 City</u>
	\$63.00 Non-City	<u>\$125.00 Non-City</u>
Open/Green Space Full Day Private Use	\$100.00 City	<u>\$150.00 City</u>
	\$125.00 Non-City	<u>\$188.00 Non-City</u>
Open/Green Space Half Day Commercial Use	\$200.00	<u>\$500.00</u>
Open/Green Space Full Day Commercial Use	\$350.00	<u>\$750.00</u>
Open/Green Space Half Day Non-Profit (free public event)	\$100.00	<u>\$150.00</u>

<u>Program:</u>	<u>Current Fee:</u>	<u>Proposed Fee:</u>
Open/Green Space Full Day Non-Profit (free public event)	\$175.00	<u>\$225.00</u>
Open/Green Space Half Day City Non-Profit (free public event)	Free	
Open/Green Space Full Day City Non-Profit (free public event)	Free	
Open/Green Space Half Day Non-Profit Fundraiser	\$150.00	<u>\$200.00</u>
Open/Green Space Full Day Non-Profit Fundraiser	\$262.50	<u>\$300.00</u>
Skate Park Daily Pass	No Charge	
All Parking Lots	\$300.00 City	<u>\$500.00 City</u> <u>\$625.00 Non-City</u>
SCHOOL, AFTER SCHOOL AND CAMP		
After School Program - 3 or more days	\$55.00/wk. City \$45.00/wk Additional Siblings City \$68.00/wk. Non-City \$58.00 Additional Siblings Non-City	\$55.00/wk. City \$45.00/wk Additional Siblings City \$68.00/wk. Non-City \$58.00 Additional Siblings Non-City
After School Program - Daily	\$18.00 City \$10.00 Additional Sibling - City \$25.00 Non-City \$15.00 Additional Sibling Non-City	\$18.00 City \$10.00 Additional Sibling - City \$25.00 Non-City \$15.00 Additional Sibling Non-City
After School tutoring center	\$10.00/wk. (City Residents Only)	<u>\$15.00/week</u>
<u>Summer Learning Center</u>		<u>\$25.00/week</u>
<u>Before School Program</u>		<u>\$15.00/wk City</u> <u>\$10.00 wk Additional siblings- City</u> <u>\$20.00/wk Non-City</u> <u>\$15.00/wk Additional Siblings - Non-City</u>
<u>Before AND After School</u>		<u>\$60.00/wk City</u> <u>\$50.00 Additional Siblings- City</u> <u>\$73.00/wk Non-City</u> <u>\$63.00/wk Additional Siblings - Non-City</u>
Full-time day care/Pre-K- 3 or more days	\$100.00/wk. City \$90.00/wk Additional Sibling City \$125.00/wk. Non-City \$115.00/wk Additional Sibling Non-City	\$100.00/wk. City \$90.00/wk Additional Sibling City \$125.00/wk. Non-City \$115.00/wk Additional Sibling Non-City
Pre-K Full Day Daily Rate	\$28.00 City \$18.00 Additional Sibling City \$35.00 Non-City \$25.00 Additional Sibling Non-City	\$28.00 City \$18.00 Additional Sibling City \$35.00 Non-City \$25.00 Additional Sibling Non-City
Pre K Half Day / -3 days or more	\$50.00/wk. City	\$50.00/wk. City

Program:**Current Fee:****Proposed Fee:**

\$40.00 /wk Additional Sibling City
 \$63.00/wk. Non-City
 \$53.00/wk Additional Sibling Non-City

\$40.00 /wk Additional Sibling City
 \$63.00/wk. Non-City
 \$53.00/wk Additional Sibling Non-City

Half Day Pre-School/Pre-K- Daily Rate

\$18.00 City
 \$10.00 Additional Sibling
 \$25.00 Non-City
 \$15.00 Additional Sibling Non-City

\$18.00 City
 \$10.00 Additional Sibling
 \$25.00 Non-City
 \$15.00 Additional Sibling Non-City

Summer camp

\$85.00/wk. City
 \$75/additional sibling
 \$106.00/wk. Non-City
 \$96/additional sibling

\$85.00/wk. City
 \$75/additional sibling
 \$106.00/wk. Non-City
 \$96/additional sibling

Summer camp drop-in Daily Rate

\$28.00/day City
 \$18.00 Additional Siblings City
 \$35.00/day Non-City
 \$25.00 Additional Siblings Non-City

\$28.00/day City
 \$18.00 Additional Siblings City
 \$35.00/day Non-City
 \$25.00 Additional Siblings Non-City

SPECIAL EVENTS

Special Events Permit

\$100.00

\$100.00

Special Event Late Fee

~~\$100.00~~

\$500.00

Banner Permit Fees

~~\$30.00 for up to 3 locations~~

\$50.00 for up to 3 locations

(Centre and 8th / Lime and 8th, and Pole Banners)

Banner Hanging Fee (Centre and 8th)

~~\$50.00~~

\$75.00

Banner Hanging Fee (Lime and 8th)

~~\$30.00~~

\$50.00

Power Usage Fee

~~\$50.00/per day City
 \$63.00/per day Non-City~~

\$75.00/day City
 \$94.00/day Non-City

Pole Banner Hanging Fee

~~\$7.00/per pole~~

\$10.00/pole

Tent Permit

~~\$40.00 for up to 4 Tents~~

\$40.00 for up to 4 Tents

Barricades

~~4 Barricades Free
 \$5.00 per Barricade~~

\$4.00/barricade

Cones

~~8 Cones Free
 \$2.00 per Cone~~

\$2.00/cone

Water Usage for Parks

~~\$50.00 City
 \$63.00 Non-City~~

\$75.00/day City
 \$94.00/day Non-City

Environmental Impact Fee

\$1,000.00

Commercial running/biking events

\$5.00/person

TENNIS

Program:

Tennis league

Tennis tournament

Current Fee:

\$40.00/season-City

\$50.00/season-non-City

\$10.00/match-City

\$13.00/match-Non-City

20% of net profit from tennis pro

Proposed Fee:

\$40.00/season-City

\$50.00/season-non-City

\$10.00/match-City

\$13.00/match-Non-City

20% of net profit from tennis pro

Tennic Court Key

City Resident ID Card

1 Free / \$1.00 per duplicate

\$5.00

Active and Retired US Military and their immediate family may receive the City rate on all fees

City Residents may bring up to four visiting family members for a daily use.

Financial assistance is available to City residents only.

The following fees are set by the instructors/coaches/coordinators providing the programs, are based on the numbers of games per season or are determined by outside providers (i.e. tours, overnight stays, meals).

Karate, Tennis, Youth Soccer Camps, Adult Athletic Tournaments, Senior Trips, Adventure

Camps, Kids Night Out, Athletic Leagues, Teen Trips, Aquatic Trips (tubing, manatee swim, diving, etc.), Infant Survival Swimming.

POLICE DEPARTMENT:

	<u>Current Fee:</u>	<u>Proposed Fee:</u>
Copy of Accident or Police Reports	\$2.00	\$2.00
Fingerprints	\$5.00	\$5.00

SANITATION:

City of Fernandina Beach							
Effective July 1, 2016							
Monthly Commercial Sanitation Rate Schedule ⁽¹⁾							
Service Description	1 pulls per week	2 pulls per week	3 pulls per week	4 pulls per week	5 pull per week	6 pulls per week	7 pulls per week
Toters	\$16.15 \$16.29	\$32.30 \$32.58	\$48.45 \$48.87	\$64.60 \$65.16	\$80.75 \$81.45	\$96.90 \$97.74	\$113.05 \$114.03
2 Yard Dumpsters	\$47.46 \$47.88	\$94.92 \$95.76	\$142.38 \$143.64	\$189.84 \$191.52	\$237.30 \$239.40	\$284.76 \$287.28	\$332.22 \$335.16
4 Yard Dumpsters	\$94.90 \$95.74	\$189.80 \$191.48	\$284.70 \$287.22	\$379.60 \$382.96	\$474.50 \$478.70	\$569.40 \$574.44	\$664.30 \$670.18
6 Yard Dumpsters	\$142.33 \$143.58	\$284.66 \$287.16	\$426.99 \$430.74	\$569.32 \$574.32	\$711.65 \$717.90	\$853.98 \$861.48	\$996.31 \$1,005.06
8 Yard Dumpsters	\$189.79 \$191.46	\$379.58 \$382.92	\$569.37 \$574.38	\$759.16 \$765.84	\$948.95 \$957.30	\$1138.74 \$1,148.76	\$1328.53 \$1,340.22
Extra Pulls	Per Toter	2 Yard Dumpster	4 Yard Dumpster	6 Yard Dumpster	8 Yard Dumpster		
Fee	\$3.74 \$3.77	\$10.96 \$11.06	\$21.93 \$22.12	\$32.85 \$33.14	\$43.83 \$44.22		
Larger Dumpsters Available				Prices Upon Request			
Permanent Roll-Off Service Rate				\$235.64 \$237.71 per pull plus disposal charges			
Monthly Residential Sanitation Rate Schedule ⁽¹⁾							
Service Description	Price includes 2 pulls per week, recycle, and yard waste.						
1 Toter	\$20.24 \$20.42						
2 Toter	\$40.48 \$40.84						
1 Toter with Roll Out/In Service	\$33.41 \$33.70						
2 Toters with Roll Out/In Service	\$66.82 \$67.40						
Excess Charges	-						
Appliances and White Goods per item	\$14.02 \$14.14						

⁽¹⁾ The refuse contract between the City and Stateline Disposal allows for an annual increase.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Ordinance 2016-24**
Voluntary Annexation - 3017 and 3021 Amelia Road, Aspire at Amelia II

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **Approve Ordinance 2016-24 at First Reading.**

SYNOPSIS: The applicant, Aspire at Amelia II, LLC, has requested a voluntary annexation, assignment of the Medium Density Residential (MDR) land use, and RLM (Residential Low-Medium) zoning designation. The action is requested in order to gain access to the City's water and sewer services. The property is currently contiguous to the municipal limits on its southern and western borders. The applicant intends to build a single family home subdivision.

Staff has issued a recommendation of approval. The Planning Advisory Board considered the requested Voluntary Annexation at its Regular Meeting on July 13, 2016, and issued a recommendation of approval.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

2016/2017 CITY COMMISSION GOALS: (As approved by Resolution 2016-51)
 Beach Safety Alachua Street
 Soccer Field Lighting Stormwater
 Downtown Density Opportunity
 ADA Improvements Departmental
 Consideration

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2016-24 at First Reading.

DEPARTMENT DIRECTOR Submitted by: Marshall McCrary, CDD Director *MM* Date: 7/29/16
CONTROLLER Approved as to Budget Compliance *PHC* Date: 8/3/16
CITY ATTORNEY Approved as to Form and Legality *TEB* Date: 8/3/16
CITY MANAGER Approved Agenda Item for 8/16/16 *CM* Date: 8/2/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

ORDINANCE 2016-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH ANNEXING 7.91 ACRES OF LAND LOCATED AT 3017 AND 3021 AMELIA ROAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of 7.91 acres of land located at 3017 and 3021 Amelia Road and identified as parcel numbers 00-00-30-044B-0028-0010, 00-00-30-044B-0028-0012, and 00-00-30-044B-0028-0014 have requested annexation into the City of Fernandina Beach in exchange for water and sewer services; and

WHEREAS, the Planning Advisory Board reviewed the request for voluntary annexation application number PAB 2016-18 at its July 13, 2016, meeting and recommended approval of the annexation; and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on June 29, 2016.

WHEREAS, City staff has reviewed the petition for voluntary annexation and has found that the petition bears the signatures of all the owners of the subject property or their authorized agent at such time that the petition was signed, the parcel is contiguous to the City boundary, is reasonably compact, does not create an enclave, will be used for urban services, and the City will be able to deliver urban services such as water, sewer, garbage, police and fire without decreasing the level of service currently provided to City residents; and

WHEREAS, the City Attorney has rendered a legal opinion that upon review, the annexation petition meets the requirements of Chapter 171 Florida Statutes; and

WHEREAS, after consideration of the application and evidence presented on such application thereon, the City Commission made the following findings:

- a. That the Commission is empowered under Chapter 171, Florida Statutes to approve a request for voluntary annexation.
- b. That the proposed annexation meets the requirements for voluntary annexation as required by Chapter 171.044 F.S., is contiguous to the municipal boundary, is reasonably compact, and does not create an enclave.
- c. That the petitioner agrees to file for a Future Land Use Map (FLUM) amendment and a change in zoning district designation within six months from the date of the annexation being approved by the City Commission.

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

SECTION 1. The following parcel of real property totaling 7.91 acres of land located 3017 and 3021 Amelia Road and identified as parcel identification numbers 00-00-30-044B-0028-0010, 00-00-30-044B-0028-0012, and 00-00-30-044B-0028-0014, as shown on the map attached hereto as Exhibit "A," are hereby annexed into the corporate limits of the City of Fernandina Beach, to wit.

SECTION 2. It is hereby deemed to be in the best interest of the City of Fernandina Beach that the land, above described, be annexed into and become a part of the City of Fernandina Beach. That upon adoption of this Ordinance, the boundary lines for the corporate limits of the City of Fernandina Beach shall be redefined so as to include the real property described above.

SECTION 3. This Ordinance shall be published in the Fernandina Beach News Leader once each week for two consecutive weeks, and that proof of publication of this Ordinance shall be filed herein prior to the final reading of this Ordinance.

ADOPTED this 20th day of September, 2016.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Commissioner - Mayor

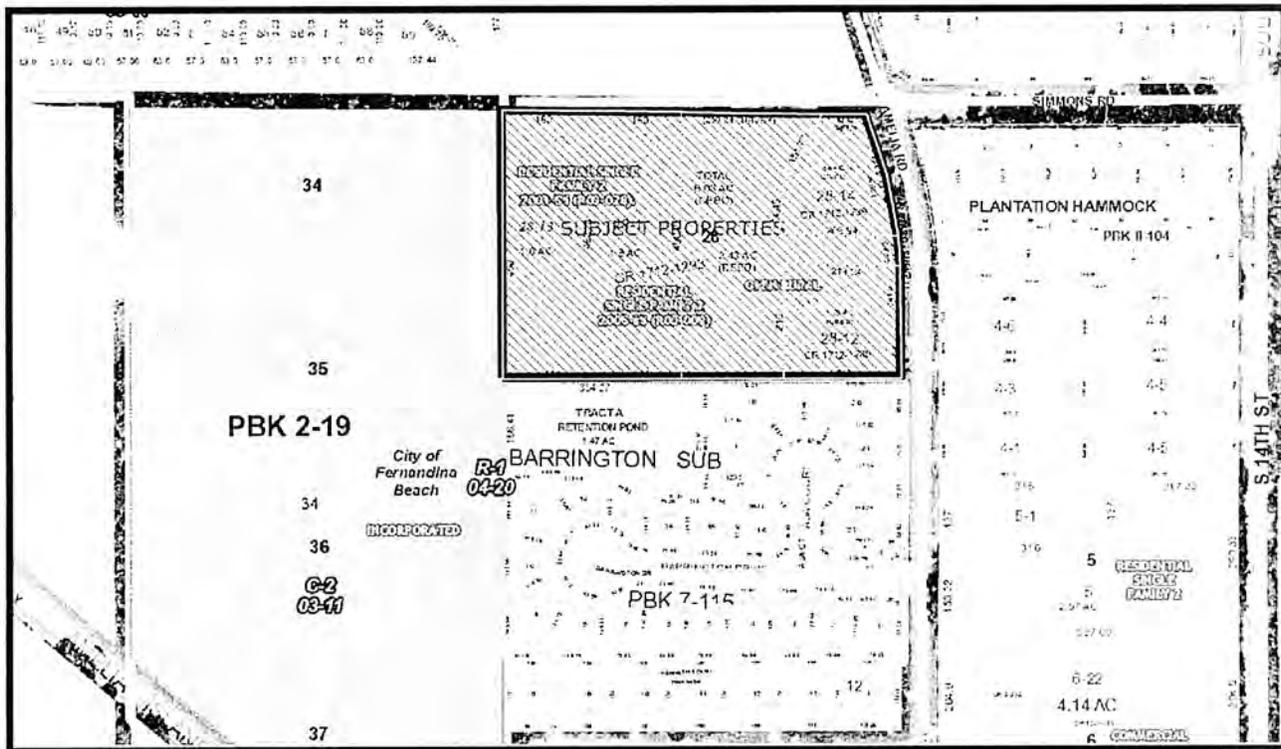
ATTEST:

APPROVED AS TO FORM AND LEGALITY:

CAROLINE BEST
City Clerk

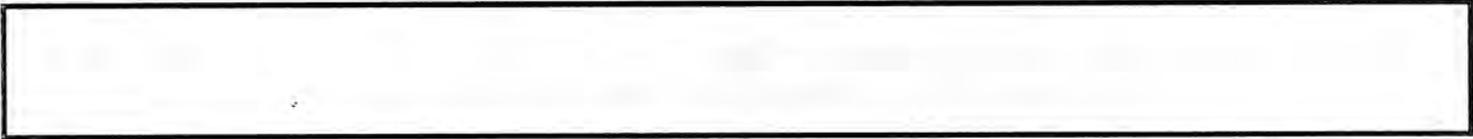

TAMMI E. BACH
City Attorney

ORDINANCE 2016-24
EXHIBIT "A"





STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016



APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	The Aspire at Amelia II, LLC				
AGENT:	Roger Towers, P.A. – Jon C. Lasserre, Esq.				
REQUESTED ACTION:	Voluntary Annexation, Future Land Use Map Change, and Zoning Map Change				
LOCATION:	3017 and 3021 Amelia Road				
CURRENT LAND USE + ZONING:	Nassau County Medium Density Land Use + Nassau County Open Rural zoning on ~ 4.14 Acres and Residential Single Family 2 zoning on ~ 3.77 acres				
PROPOSED LAND USE + ZONING:	City of Fernandina Beach Medium Density Residential (MDR) Land Use + City of Fernandina Beach Residential Low-Medium (RLM) zoning				
EXISTING USES ON SITE:	3017 Amelia Road contains a Single Family home and swimming pool, 3021 Amelia Road contains a Single Family home, ~5.93 acres of land are "pastureland" identified as Old Amelia Farm				
PROPERTY SIZE:	7.91 Acres Parcel ID #: 00-00-30-044B-0028-0010, 00-00-31-044B-0028-0012, 00-00-30-044B-0028-0014				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
NASSAU COUNTY	North	Single Family Home with a barn on 6.02 Acres of land	2004	Nassau County Residential Single Family 2	Nassau County Medium Density
WITHIN CITY LIMITS	South	Simmons Road Unimproved ROW on northern border with 2018 FDOT funded multiuse path improvement Barrington Cove Subdivision- Single Family Homes (23 lots) and Site Improvements	2007-2016 <i>Nearing build-out</i>	R-1: Low Density Residential	Low Density Residential (LDR)
NASSAU COUNTY	East	Single Family Homes	1995/2015	Nassau County Residential Single Family 2	Nassau County Medium Density
WITHIN CITY LIMITS	West	Vacant Commercial Property (Portion of Aspire At Amelia- Assisted Living Complex)	Vacant	C-2 (General Commercial)	General Commercial (GC)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant, Aspire at Amelia II, LLC, has requested a voluntary annexation, assignment of the Medium Density Residential (MDR) land use, and RLM (Residential Low-Medium) zoning designation. The action is requested in order to gain access to the City's water and sewer services. The property is currently contiguous to the municipal limits on its southern and western borders. The applicant intends to build a single family home subdivision.

The proposed RLM (Residential Low-Medium) zoning and Medium Density Residential land use designations for these properties are generally consistent with the Nassau County zoning and land uses currently assigned to them given the detached single family home sites which surround the property. Uses permissible under the proposed zoning categories are provided in Table 2.03.02 of the Land Development Code. The RLM zoning district requested with this application will limit development to exclusively single-family homes.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	Policy 4.01.02 All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)
Fire-Rescue Services	240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)
Police and Law Enforcement Services	Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. Under the proposed Future Land Use of Medium Density Residential (MDR) a maximum of 8 units per acre is permissible which would allow up to 65 dwelling units. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Voluntary Annexation, Future Land Use Map change, or Zoning assignment request.

The establishment of Medium Density Residential (MDR) land use and RLM (Residential Low-Medium) zoning on the subject property could result in a maximum of 65 units. A concurrency determination for impacts to Nassau County roadways must be assessed under the City's current requirements contained in LDC Section 7.04.05. All proposed developments generating more than 400 Average Daily Trips (ADT) require a traffic concurrency determination from the Northeast Regional Council. Under a maximum development scenario, Staff estimates that approximately 622 Average Daily Trips (ADT) could be generated by this development; resulting in 65 p.m. peak hour trips¹. Traffic impacts are likely on only State and Nassau County maintained roadways. Nassau County collects mobility fees for roadway impacts based on their adopted a mobility plan. It is expected that the City will, through its adopted Interlocal agreement with Nassau County, collect mobility fees on their behalf for projects within the City. This would be similar to the past collection of transportation impact fees which ceased in 2006.

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Potable water customers on the average consume approximately 5 million gallons per day. The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. At the adopted level of service and the maximum density allowed by the proposed Comprehensive Plan amendments, the residential units will consume 22,750 gallons of water per day (65 units x 350 gallons per ERC per day).

The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's customers currently generate, on average, 1.9 million gallons per day. At the adopted level of service and the maximum density allowed by the Comprehensive Plan, the site will generate 52,325 gallons of wastewater per day (65 units x 2.3 x 350 gallons per ERC per day). The Commercial facilities are calculated by an Equivalent Residential Connection (ERC) standard, which is calculated by the utilities director. The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate any proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

As for solid waste and drainage, the City currently has a contract with Advanced Disposal to dispose of solid waste, therefore the impact is irrelevant.

Drainage impacts from any new development or redevelopment will be reviewed by the City's Technical Review Committee. The City requires storm water drainage to be retained on-site and permitting through the St. John's River Water Management District.

All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02.

¹ ITE Code 210 (Single-Family Detached Housing) average PM peak hour trips = 65 (~1 trip/ dwelling unit)



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as: described below.

- a. **No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. **No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. **No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. **No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

The proposed land use and zoning category is compatible with the land use and zoning which surrounds it. The proposed development will rely on an open roadway (Amelia Road) for access to the subdivision. Water and sewer services are available to serve the site and this proposed development. No leapfrog development or scattered development patterns are generated by this annexation, land use assignment and zoning change.

1.02.04. Decisions on amendments to the FLUM shall 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; and**
- i. **Location in a Coastal Upland Protection Zone (CUPZ).**

Uses along Amelia Road are consistent with the City's single family residential land use pattern for the area. The proposed land use category of Medium Density Residential (MDR) with the RLM (Residential Low-Medium) zoning district is the most suitable classification given the characteristics of the surrounding developed properties. The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. The site currently contains two (2) single family homes, associated ancillary uses, and farmland. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee. The site is not located in a Coastal Upland Protection Zone, and the levels of service are discussed above.



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested zoning is RLM, provides for commercial land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code.

Section 2.01.04 of the Land Development Code states the intent of the RLM, General Commercial, zoning classification.

The RLM District is intended for the development of low- to medium-density single-family homes on individual lots. This designation is intended to provide for a more urban neighborhood with a higher density than the R-1 District and a lower density than the R-2 District.

The RLM zoning is requested because the preferred development pattern of this property is single family home sites.

CONCLUSION:

This is a voluntary annexation of property as compliant with all applicable Florida Statutes and the City's Municipal Code. The annexation area is compact, does not create an "enclave", and represents a logical extension of the City boundary. The area is a logical extension of urban development and any development or redevelopment is capable of achieving full compliance with the City's Land Development Code and Comprehensive Plan.

The requested voluntary annexation, land use and zoning changes are sufficiently compliant with the Comprehensive Plan, Land Development Code, and Municipal Code. Staff recommends approval of the requested actions.

MOTION TO CONSIDER

I move to recommend (**approval or denial**) of PAB case number 2016-18 to the City Commission requesting that a voluntary annexation into the city limits be approved, assigning the High Density Residential/ R-3 land use and zoning category, as described and that PAB case 2016-18, as presented, (**is or is not**) sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

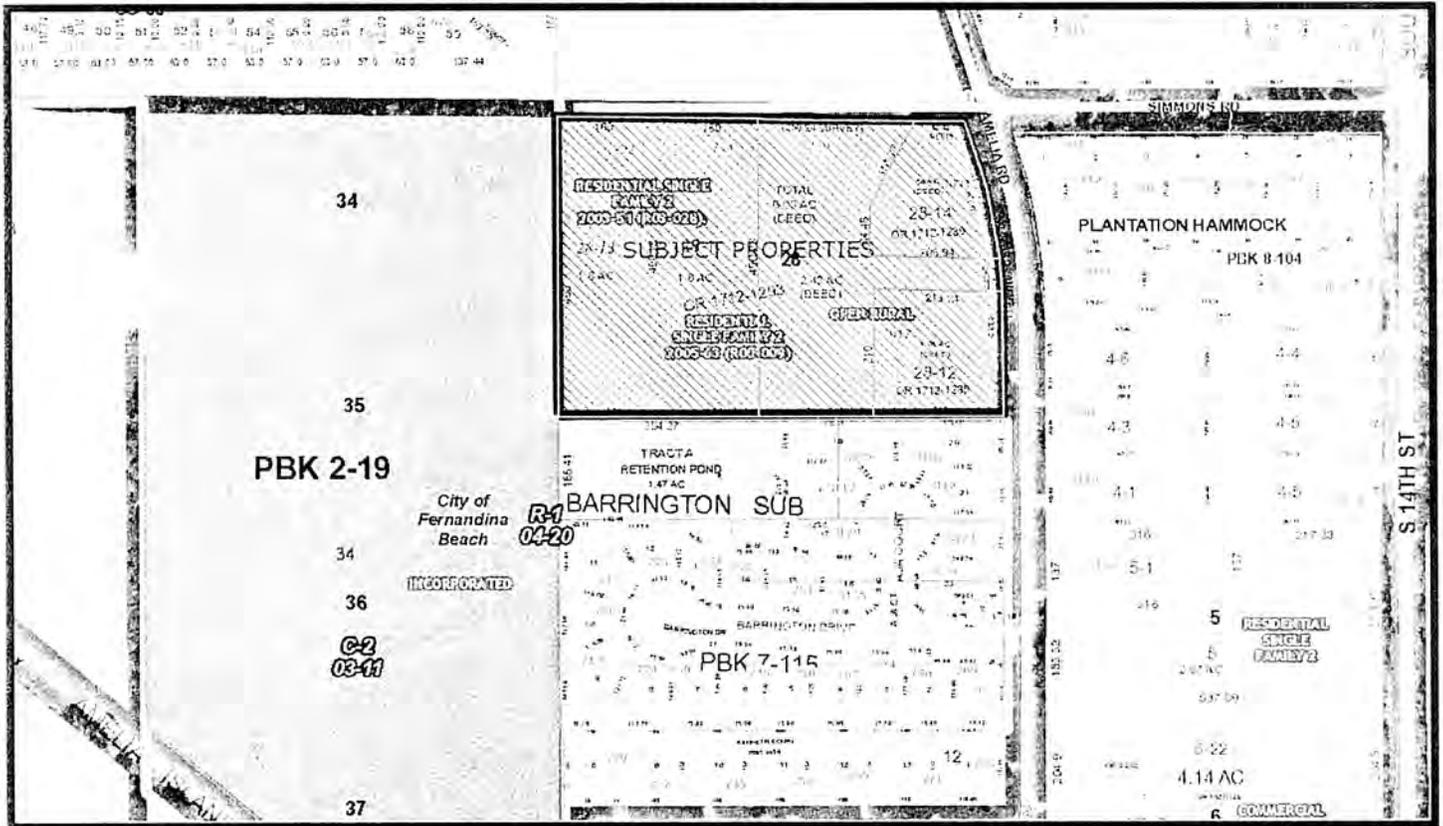
Submitted by:

Kelly N. Gibson
Senior Planner



STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016

EXHIBIT A



OFFICE USE ONLY

REC'D: 6/13/16 BY: (Signature)
PAYMENT: \$ 2750 TYPE: CK 1635
APPLICATION #: 2016 00009166
CASE #: 2016-18
BOARD MEETING DATE: 7/13/16



PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

APPLICANT INFORMATION

Owner Name: The Aspire at Amelia II, LLC
Mailing Address: 1435 Rolling Links Drive, Alpharetta, Georgia 30004
Telephone: (770) 243-4600 Fax: _____
Email: RKennedy@WellsREF.com

Agent Name: Rogers Towers, P.A. ATTN: Jon C. Lasserre, Esq.
Mailing Address: 960185 Gateway Blvd., Suite 203, Fernandina Beach, Florida 32034
Telephone: (904) 261-5618 Fax: (904) 261-9159
Email: JLasserre@RTLlaw.com

PROPERTY INFORMATION

Street Address: 3017 & 3021 Amelia Road, Fernandina Beach, Florida 32034
Parcel Identification Number(s): 00-00-30-044B-0028-0012 & 00-00-30-044B-0028-0014 & 00-00-30-044B-0028-0010 & 00-00-30-044B-0028-0010
Lot Number: 28 Block Number: N/A Subdivision: Ocean Breeze Farms
Section: 3 & 5 Township: 2N Range: 28E

PROJECT INFORMATION

Total Number of Lots/Parcels: Four (4)

Less than One (1) acre Sq. Footage: N/A One (1) Acre or Greater: X

Existing Zoning Classification: Open Rural (OR) and Residential - Single Family 2 (RS-2)

Existing Future Land Use Classification: Medium Density Residential

Previous Planning/Zoning Approvals: N/A

Description of Request:

Request rezoning from Nassau County Open Rural (OR) and Residential - Single Family 2 (RS-2) to City of Fernandina Beach Low-Medium Density Residential (RLM) and from Nassau County FLUM designation of Medium Density Residential to City of Fernandina Beach FLUM designation of Medium Density Residential.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

June 23, 2016
Date

Jon Sauer
Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 23 day of June, 2016.

Jennifer T. Athavale
Notary Public: Signature

Jennifer T. Athavale
Printed Name

9-30-18
My Commission Expires

Personally Known OR Produced Identification _____ ID Produced: _____





OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Leo F. Wells, Manager of The Aspire at Amelia, LLC
(print name of property owner(s))

hereby authorize: Rogers Towers, P.A., Jon C. Lasserre, Esq.
(print name of agent)

to represent me/us in processing an application for: Rezoning, FLUM Designation change and Annexation
(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]
(Signature of owner)

(Signature of owner)

Leo F. Wells
(Print name of owner)

(Print name of owner)

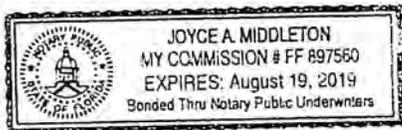
STATE OF FLORIDA }
COUNTY OF NASSAU }
SS }

Subscribed and sworn to before me this 10 day of June, 2014.

[Signature] _____
Notary Public: Signature Printed Name

My Commission Expires _____

Personally Known _____ OR Produced Identification _____ ID Produced: [Signature]





USE THIS FORM TO: Request actions to affect changes to property (zoning changes, annexations, allowable uses, subdivisions).

FEES: See below. Fees are payable upon application.

IMPORTANT NOTES: To guide you through the process and ensure that your application is understood and properly processed, you'll need to meet with a City Planner prior to submitting your application. Completed applications are due 30 days prior to the Planning Advisory Board meeting date.

KEY CONTACTS: The Planning Department will guide your application from start to finish, engaging other City departments or agencies as needed.

PLANNING ADVISORY BOARD APPLICATION FOR:

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

2016 Planning Advisory Board Meeting Schedule

Application Deadline (4:30pm)	Dec 14 2015	Jan 11 2016	Feb 8 2016	Mar 14 2016	Apr 11 2016	May 9 2016	Jun 13 2016	Jul 11 2016	Aug 15 2016	Sep 12 2016	Oct 10 2016	Nov 14 2016	Dec 12 2016	Jan 9 2017	Feb 6 2017
Meeting Date	Jan 13 2016	Feb 10 2016	Mar 9 2016	Apr 13 2016	May 11 2016	Jun 8 2016	Jul 13 2016	Aug 10 2016	Sep 14 2016	Oct 12 2016	Nov 9 2016	Dec 14 2016	Jan 11 2017	Feb 8 2017	Mar 8 2017

APPLICATION REQUIREMENTS PLANNING ADVISORY BOARD

APPLICATION CHECKLIST:

Submit all of the following information for a complete application, as applicable:

- A notarized application filed at least thirty (30) days before the date of the Planning Advisory Board's public hearing;
- A current survey of the property (no older than two years);
- A completed owner's authorization for agent form, if applicable;
- A detailed letter of intent stating the following:
 - The consistency of the proposed amendment(s) or action(s) with the City's Comprehensive Plan.
 - A justification for the proposed amendment(s) or action(s).
- A map of the area indicating the proposed zoning district designation for the subject property. The map shall show the current zoning district designations and land use categories from the Future Land Use Map in the comprehensive plan for the subject property and all adjacent properties.

IMPORTANT NOTES AND REQUIREMENTS:

Please see additional Land Development Code (LDC) requirements for specific application types:

- LDC Text Amendment** – see LDC Section 11.01.08.
- Preliminary Subdivision Plat** – see LDC Section 11.01.05.
- Final Subdivision Plat** – see LDC Section 11.01.05.
- Zoning Map Changes** – see LDC section 11.01.07.

You will receive a staff report one week before your meeting.

STAFF CONTACT:

Kelly Gibson
Senior Planner
kgibson@fbfl.org
904.310.3135



ATTORNEYS AT LAW

Jon C. Lasserre

JLasserre@rtlaw.com

960185 Gateway Boulevard • Suite 203
Amelia Island, Florida 32034

904 . 261 . 5618 Main
904 . 261 . 4759 Fax
www.rtlaw.com

June 13, 2016

Ms. Kelly N. Gibson
Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida, 32034

**RE: APPLICATION FOR ANNEXATION AND ZONING MAP AND FLUM
AMENDMENT
THE ASPIRE AT AMELIA II, LLC
PARCEL ID# 00-00-30-044B-0028-0014, 00-00-30-044B-0028-0012,
00-00-30-044B-0028-0010, AND 00-00-30-044B-0028-0010
3017 & 3021 AMELIA ROAD, FERNANDINA BEACH, FLORIDA**

Dear Ms. Gibson,

Our firm is pleased to present the enclosed Application for Annexation and Zoning Map and FLUM Amendment (the "Application") concerning approx. 7.91 acres located at 3017 & 3021 Amelia Road, Fernandina Beach, Florida (the "Property") on behalf of The Aspire at Amelia II, LLC, a Georgia limited liability company.

Please find enclosed a check in the amount of \$2,750.00 for the Application fees. This Application is submit in conformity with Section 11.01.07 of Ordinance 2006-14 (as amended), also known as the City of Fernandina Beach Land Development Code.

The Property is presently zoned both Nassau County Open Rural (OR) and Nassau County Residential – Single Family 2 (RS-2) with a Nassau County FLUM designation of Medium Density Residential. The Property consists of four lots that have been assembled under common ownership. There are two existing single family homes on the Property and an outbuilding used for agricultural purposes.

This application requests an annexation with concurrent rezoning to City of Fernandina Beach Low-Medium Disunity Residential (RLM) and FLUM designation of Medium Density Residential.

Among others, this requested rezoning is consistent with the following Objectives of Goal 1, The Future Land Use Element of the City's Comprehensive Plan:

- 1. **Objective 1.02.04 – FLUM amendments shall be considered based upon the factors a-i:**

a. *Type and density or intensity of surrounding uses* – The property to the north of the subject property is used as a residence and is zoned Nassau County RS-2 with a Nassau County FLUM designation of Medium Density Residential; the property to the west is a vacant land zoned City of Fernandina Beach C-2, General Commercial with a FLUM designation of Commercial; the property to the south is single family residential, zoned City of Fernandina Beach R-1 with a FLUM designation of Low Density Residential; the property to the east is single family residential, zoned Nassau County RS-2 with a FLUM designation of Medium Density Residential. A FLUM amendment for the Property to Medium Density Residential would be suitable and compatible with the type and density of surrounding uses.

b. *Zoning districts in the surrounding area* – The zoning and FLUM designations of the surrounding area are discussed in Paragraph a, above. A zoning map amendment to RLM for the Property would be suitable and compatible with the surrounding zoning districts which require detached, single family residential uses (RLM does not allow multifamily structures, only single family). Further, the amendment would act as an additional buffer for existing residential on the east side of Amelia Road and serve as a transition area from commercial on the west side to residential zoning.

c. *Demonstration of adequate water supply and water supply facilities* – Adequate water and water supply facilities exist.

d. *Appropriateness of the size of the parcel compared to the proposed use* – The Property is an appropriate size for use as single family residential.

e. *Physical condition of the site and the suitability of soils and topography for the proposed use* – The Property's physical condition, soils and topography are suitable for single family residential use.

f. *Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources* – The Property is suitable for use as single family residential based upon the consideration of these issues.

g. *Compatibility factors* – The property is currently compatible with the surrounding uses and the proposed FLUM designation change would make the current use compatible with the FLUM.

h. *Impact on adopted levels of service standards and quality of service standards* – Any impact on adopted level of service standards and quality of service standards resulting from a change in the FLUM designation would be minimal.

i. *Location in a Coastal Upland Protection Zone (CUPZ)* – The property is not located within the CUPZ.

Ms. Kelly N. Gibson
June 13, 2016
Page 3

2. Objective 1.02.08 – Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas.

a. The Property is currently used as single family residential and agricultural. The properties to the north, south and east are all single family residential. The property to the west is zoned commercial. Rezoning the Property to residential will serve to protect the adjoining existing residential uses from potentially incompatible commercial development on the Property.

I look forward to reviewing your staff report on this Application. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Jon C. Lasserre

Encl.

Cc: The Aspire at Amelia, LLC c/o Leo F. Wells, Manager

After Recording Return to:

Eric L. Weiss, Esq.
Schulten Ward Turner & Weiss, LLP
260 Peachtree Street, N.W., Ste. 2700
Atlanta, Georgia 30303

STATE OF FLORIDA

COUNTY OF NASSAU

Folio Number: 00-00-30-44B-0023-0010

SPECIAL WARRANTY DEED

THIS INDENTURE, made the 19th day of May, 2016, between OLD AMELIA FARM, LLC, a Florida limited liability company, hereinafter called "Grantor," and THE ASPIRE AT AMELIA II, LLC, a Georgia limited liability company, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby transfer and convey unto Grantee, that certain land in Nassau County, Florida, being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "**Property**");

TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "**Permitted Exceptions**"), and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, except for claims arising under and by virtue of the Permitted Exceptions. "Grantor" and "Grantee" shall include their respective heirs, successors and assigns;

[signature on following page]

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed the day and year first above written.

Witness No. 1 Signature: [Signature]

Printed Name: Jon C. Lasserre

Witness No. 2 Signature: [Signature]

Printed Name: Jennifer Athavale

GRANTOR:

OLD AMELIA FARM, LLC, a Florida limited liability company

By: [Signature]
Peter L. Procko, Manager

By: [Signature]
Pamela R. Procko, Manager

Note: This deed is being executed to wind up the affairs of the dissolved limited liability company

STATE OF FLORIDA

COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 19th day of May, 2016, by Peter L. Procko and Pamela R. Procko, as Managers of OLD AMELIA FARM, LLC, a Florida limited liability company. Peter L. Procko and Pamela R. Procko are personally known to me or have produced _____ as identification.



NOTARY PUBLIC

Sign: [Signature]

Print: Jon C. Lasserre

State of FLORIDA at Large (Seal)

My Commission Expires: 09/15/2019

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL "C"

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTIONS 3 AND 5, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, BEING PART OF LOT 28 OF OCEAN BREEZE FARMS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF SAID NASSAU COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR THE POINT OF BEGINNING COMMENCE AT THE NORTHWEST CORNER OF "BARRINGTON", ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 115 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 88°24'06" EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PLAT OF "BARRINGTON", 499.32 FEET; THENCE NORTH 01°35'54" EAST, 210.00 FEET; THENCE SOUTH 88°24'06" EAST, 213.24 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, WHICH HAS AN EXISTING RIGHT-OF-WAY OF 50- FEET; THENCE IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE IN SAID WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 04°23'27" WEST, 60.33 FEET; THENCE NORTH 88°24'06" WEST, 206.94 FEET; THENCE NORTH 01°35'54" EAST, 84.46 FEET; THENCE NORTH 28°20'11" EAST, 151.77 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SIMMONS ROAD, A 30-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 88°23'53" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 570.27 FEET TO THE NORTHEAST CORNER OF LOT 34, SAID OCEAN BREEZE FARMS; THENCE SOUTH 01°17'10" WEST, ALONG THE WESTERLY BOUNDARY OF SAID LOT 34 AND ALONG THE WESTERLY BOUNDARY OF LOT 35, SAID OCEAN BREEZE FARMS, 490.05 FEET TO THE POINT OF BEGINNING.

After Recording Return to:

Eric L. Weiss, Esq.
Schulten Ward Turner & Weiss, LLP
260 Peachtree Street, N.W., Ste. 2700
Atlanta, Georgia 30303

STATE OF FLORIDA

COUNTY OF NASSAU

Folio Number: 00-00-30-44B-0028-0014

SPECIAL WARRANTY DEED

THIS INDENTURE, made the 19th day of May, 2016, between OLD AMELIA RENTALS, LLC, a Florida limited liability, hereinafter called "Grantor," and THE ASPIRE AT AMELIA II, LLC, a Georgia limited liability company, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby transfer and convey unto Grantee, that certain land in Nassau County, Florida, being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "**Property**");

TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "**Permitted Exceptions**"), and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, except for claims arising under and by virtue of the Permitted Exceptions. "Grantor" and "Grantee" shall include their respective heirs, successors and assigns;

[signature on following page]

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed the day and year first above written.

GRANTOR:

Witness No. 1 Signature: [Signature]
Printed Name: J.C. Lasserre

Witness No. 2 Signature: [Signature]
Printed Name: Jennifer Athavale

OLD AMELIA RENTALS, LLC, a Florida limited liability company

By: [Signature]
Peter L. Procko, Manager

By: [Signature]
Pamela R. Procko, Manager

Note: This deed is being executed to wind up the affairs of the dissolved limited liability company

STATE OF FLORIDA

COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 19th day of May, 2016, by Peter L. Procko and Pamela R. Procko, as Managers of OLD AMELIA RENTALS, LLC, a Florida limited liability company. Peter L. Procko and Pamela R. Procko are personally known to me or have produced _____ as identification.



NOTARY PUBLIC:

Sign: [Signature]
Print: Jon C. Lasserre
State of FLORIDA at Large (Seal)
My Commission Expires: 09/15/2019

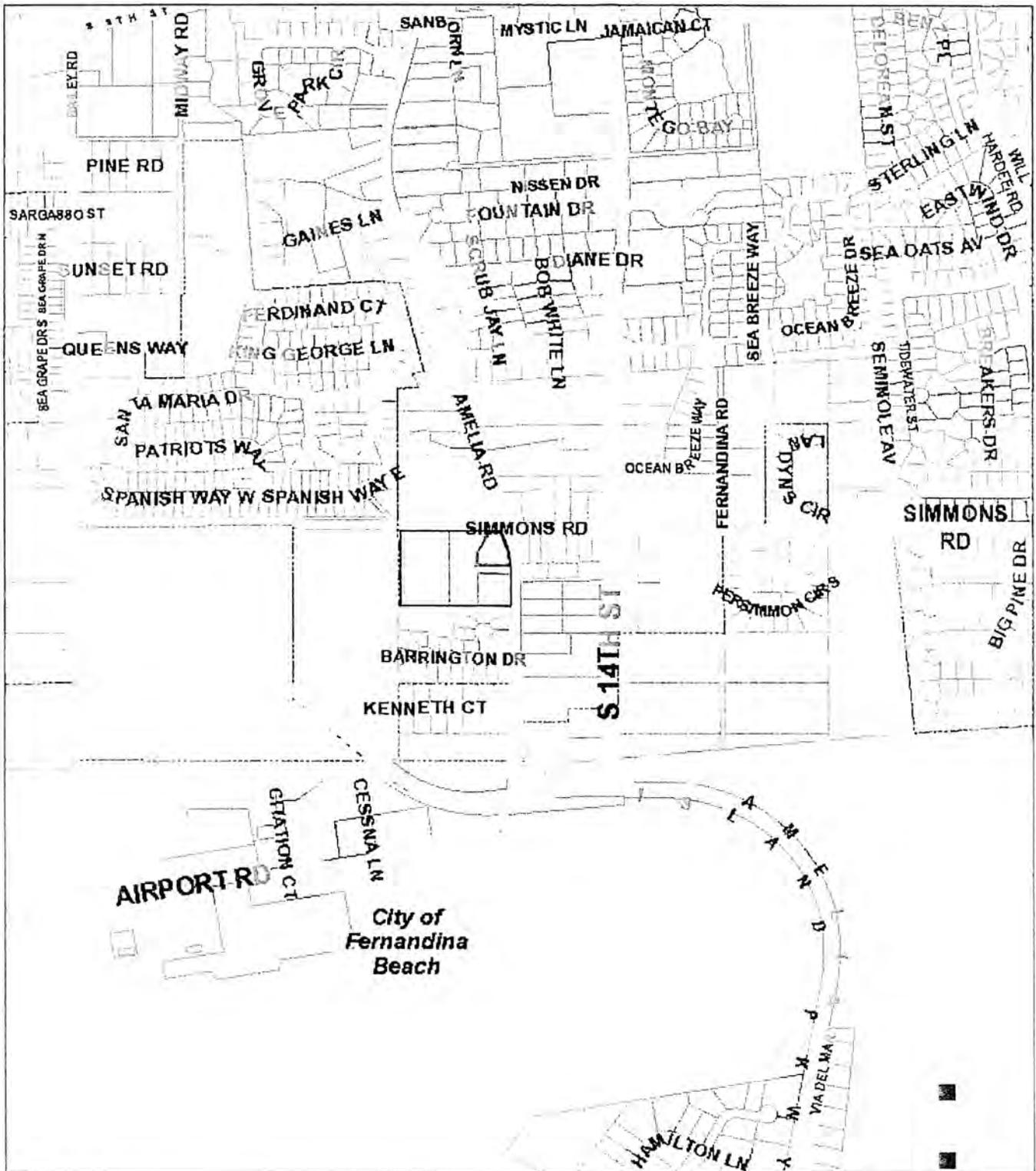
EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL "B"

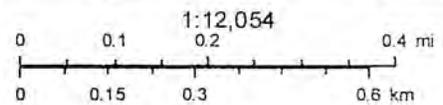
ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION 3, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, BEING PART OF LOT 28 OF OCEAN BREEZE FARMS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF SAID NASSAU COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF "BARRINGTON", ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 115 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 88°24'06" EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PLAT OF "BARRINGTON", 717.32 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, WHICH HAS AN EXISTING RIGHT-OF-WAY OF 50- FEET; THENCE THE FOLLOWING (2) COURSES ALONG SAID WESTERLY RIGHT-OF-WAY LINE: COURSE (1) - NORTH 01°35'54" EAST, 95.00 FEET; COURSE (2) - IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 02°01'05" WEST, 175.35 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE CONTINUE IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE IN SAID WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 10°16'22" WEST, 224.81 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SIMMONS ROAD, A 30-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 88°23'53" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 92.42 FEET; THENCE SOUTH 28°20'11" WEST, 151.77 FEET; THENCE SOUTH 01°35'54" WEST, 84.46 FEET; THENCE SOUTH 88°24'06" EAST, 206.94 FEET TO THE POINT OF BEGINNING.

Subject Property

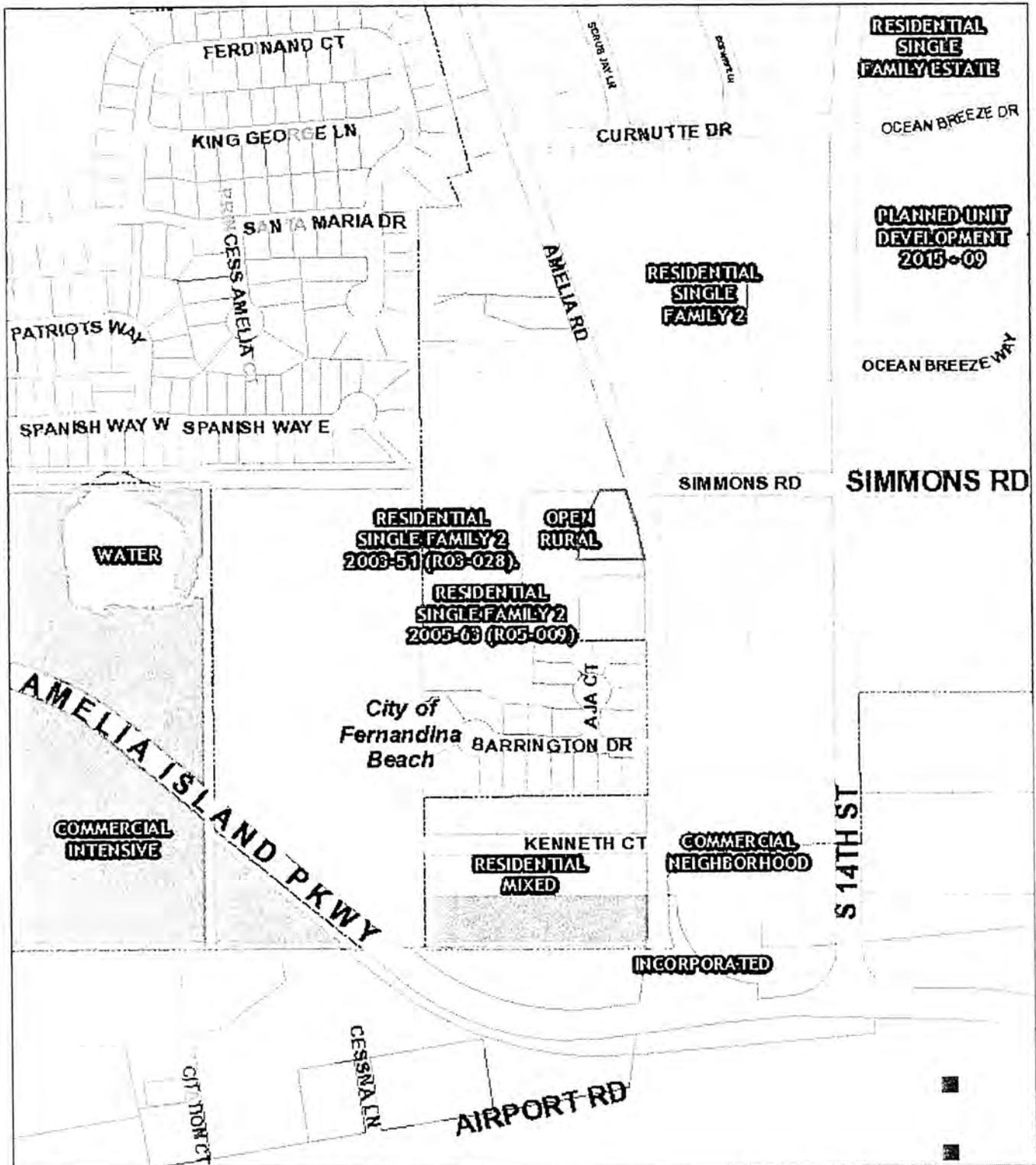


June 2, 2016

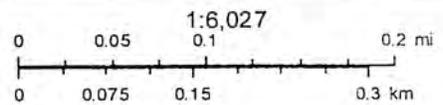


Sources: Esri, HERE, DeLorme, USGS, Intermap, iPlanet, P Corp., MRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Nassau County Zoning

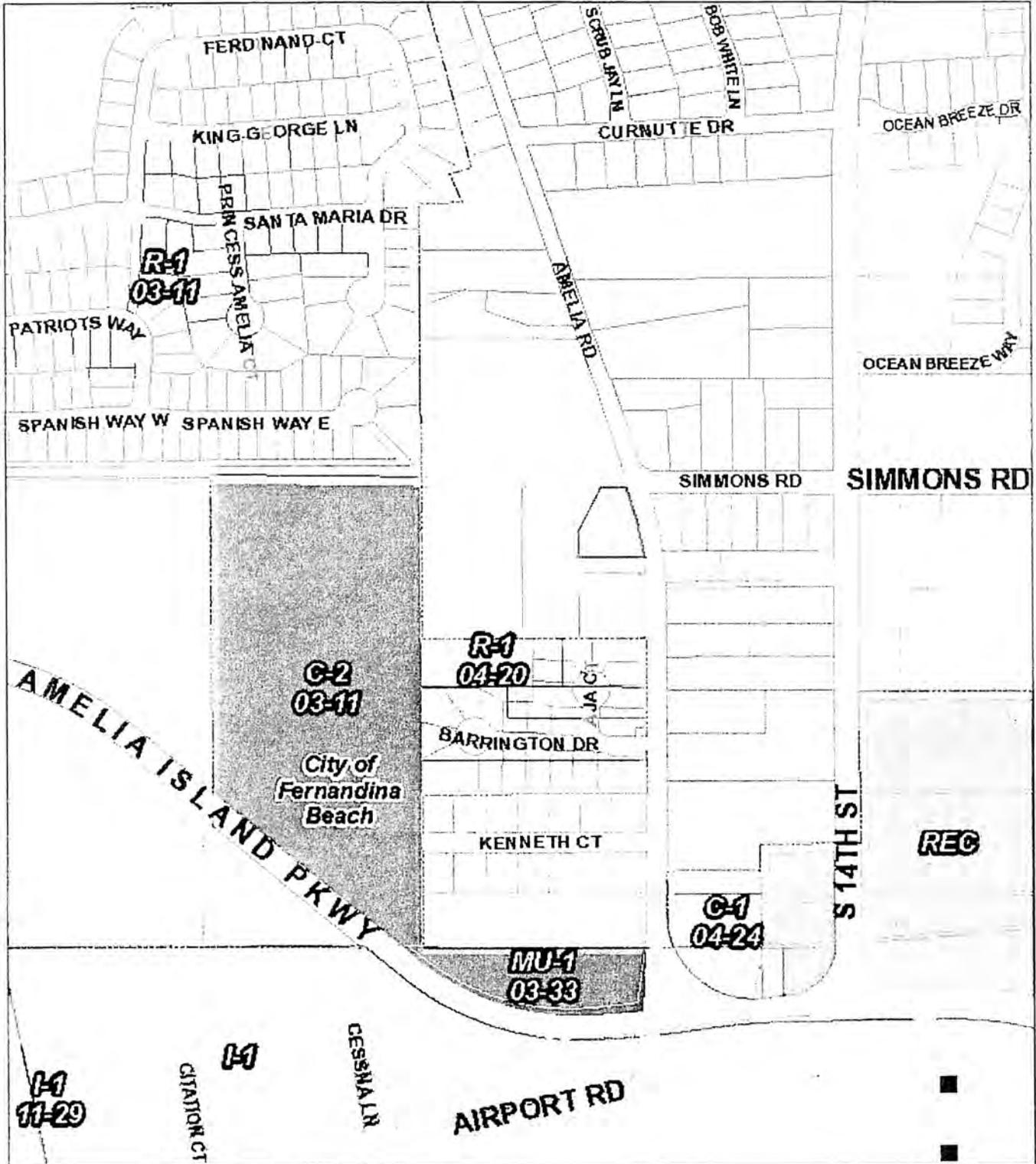


June 2, 2016



Sources: Esri, HERE, DeLorme, USGS, Intermap, Incorp. P Corp., NRCAN, Esri Japan, MEI, Esri China (Hong Kong), Esri (Taiwan), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

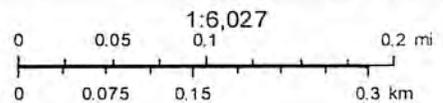
City of Fernandina Beach Zoning



June 2, 2016

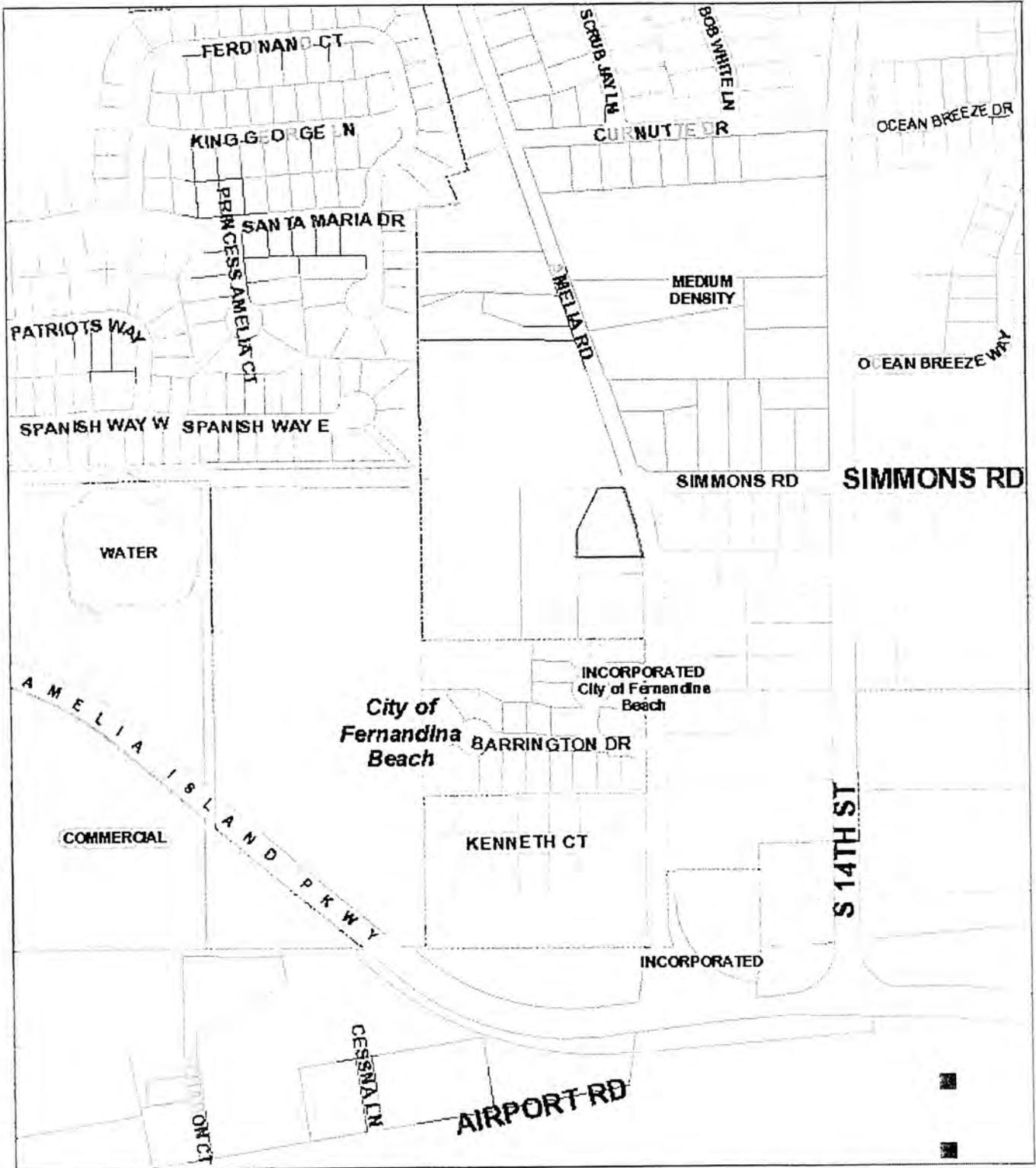
City of F.B. Zoning

—	C-1	—	R-1	—	R-1G	—	I-1
—	C-2	—	RLM	—	OT-1	—	IA
—	C-3	—	R-2	—	OT-2	—	PI-1
—	MU-1	—	R-3	—	W-1	—	CON
		—	RE	—	IW	—	REC

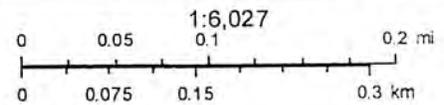


Sources: Esri, HERE, DeLorme, USGS, Intermap, Incubator P Corp, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Swi (Thailand), Mapbox, © OpenStreetMap contributors, and the GIS User Community

Nassau County FLUM Designation

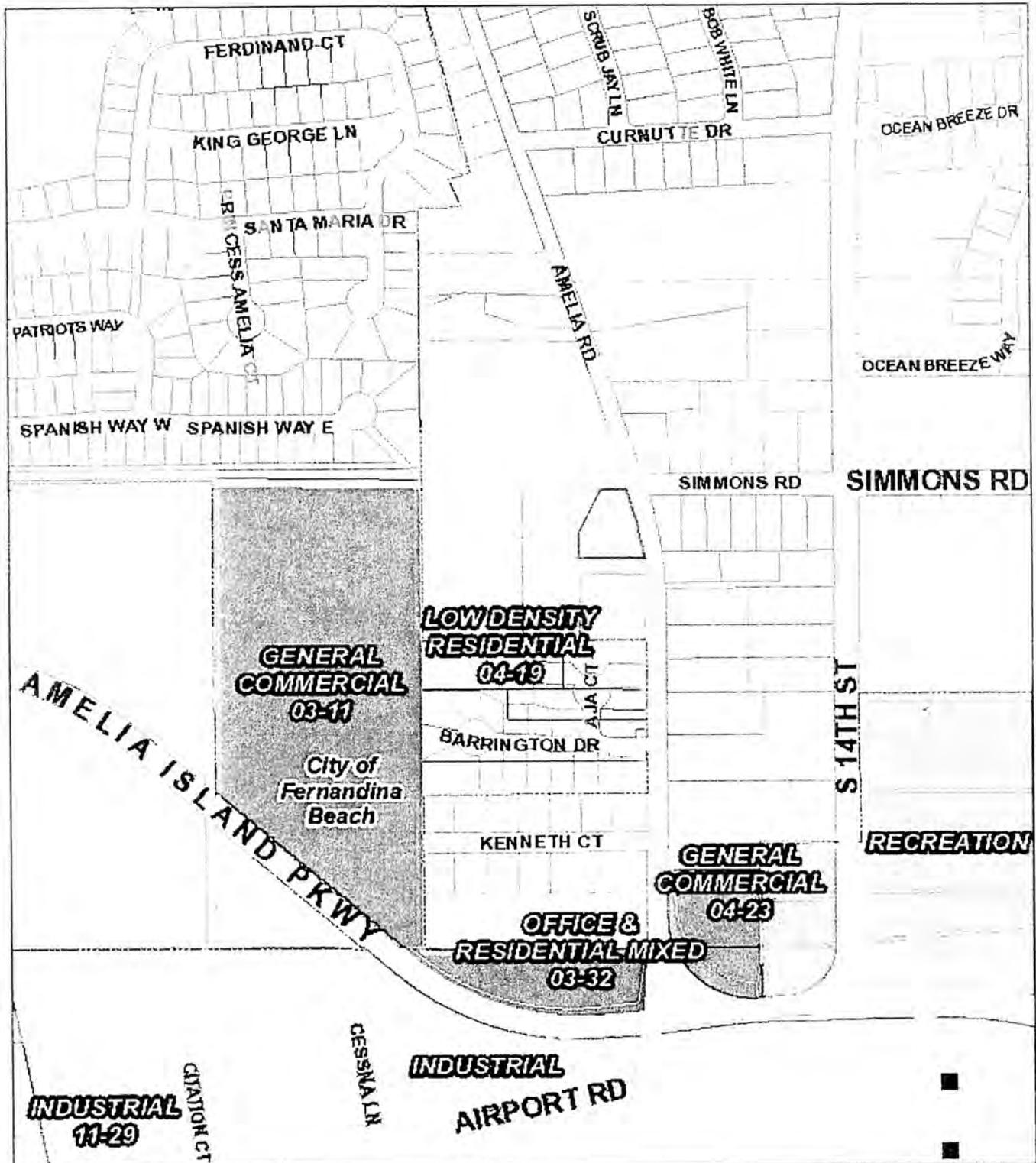


June 2, 2016

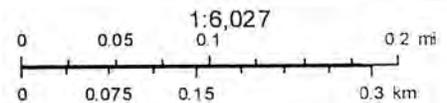


Sources: Esri, HERE, DeLorme, USGS, Intermap, Incubator P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

City of Fernandina Beach FLUM Designation



June 2, 2016



City of F.B. Future Land Use

- ===== GENERAL COMMERCIAL
- ===== CENTRAL BUSINESS DISTRICT
- ===== OFFICE & RESIDENTIAL MIXED
- ===== LOW DENSITY RESIDENTIAL
- ===== MEDIUM DENSITY RESIDENTIAL
- ===== HIGH DENSITY RESIDENTIAL

- WATERFRONT MIXED USE
- INDUSTRIAL
- INDUSTRIAL WATERFRONT
- PUBLIC & SEMI PUBLIC
- ===== CONSERVATION
- ===== RECREATION

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

1. **Call to Order** - The meeting was called to order at 5:02 pm.

Roll Call/Determination of Quorum

Board Members Present

Judith Lane, Chair	Mark Bennett, Vice-Chair
David Beal	Jon Lasserre
Charles Rogers	Chip Ross
Eric Lawrence (alternate)	Jamie Morrill (alternate)

Board Members Absent

Chris Occhuizzo

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

Member Morrill was seated as a voting member for this meeting due to the absence of Member Occhuizzo.

- 2.1 **Review and Approve June 8, 2016 Regular Meeting Minutes – A motion was made by Member Ross, seconded by Member Lasserre, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

AGENDA CHANGE: Chair Lane requested item 5.1 the Sunshine Law overview be heard first on the agenda.

Sunshine Law Overview – City Attorney Bach briefly explained the Sunshine Law is comprised of two parts (public records act and the open meetings law). She stated anything related to the business of the board or foreseeably would come before the board including email, voicemail, or any type of medium is a public record. She pointed out board members are not to be emailing other board members, but there is an exception if the board member is sending out a memo as long as there is no reply. She explained if there is a reply then both members have violated the Sunshine Law. She referred to open meetings and stated you cannot meet with one other board member and discuss anything that could foreseeably come before the board for a vote. She also explained that a board member that attempts to use an intermediary (a person not on the board) to send a message to another board member and that message gets through then both members are in violation of the Sunshine Law. She clarified that ex parte communications are only valid for quasi-judicial boards. She stated if the board was doing zoning hearings where you act as a quasi-judicial body that would make sense, but that was done at the City Commission level. She explained she would periodically remind staff and board members of the Sunshine Law.

Member Beal noted Mr. Lasserre has three cases before the board tonight. He questioned if he had talked with Mr. Lasserre about one of the cases, since Mr. Lasserre was recusing himself was that ok. City Attorney Bach replied that is not a Sunshine Law violation, because the two members are not going to participate in the same vote. She reminded the board that she was available if they had any questions. There was a brief discussion about the information that board members receive about any upcoming cases, and it was noted that information should be shared with staff to disseminate to the rest of the board.

Member Lasserre recused himself at this time and Member Lawrence was seated as a voting member. City Attorney Bach reminded Member Lasserre to fill out the voting conflict form, which is filed with the City Clerk's office.

3. New Business

3.1. PAB 2016-16 - PHOENIX INVESTMENTS, LLC, JOHN ROBAS STREET & FIRST AVENUE - ZONING MAP AMENDMENT - (PAB 2016-16), REQUEST ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM MEDIUM INTENSITY COMMERCIAL TO HIGH DENSITY RESIDENTIAL

Ms. Gibson pointed out the staff report was part of the public record. She stated PAB 2016-16 was a land use and zoning case for property located at the corner of First Avenue and John Robas (.38 acres of land) to move from General Commercial land use and C-1 zoning to High Density Residential land use and R-3 zoning designation. She explained the property previously requested the same land use and zoning in 2004 with the intent to develop three townhome units. She commented for whatever reason the applicant did not proceed with those changes so the property was back today requesting the same thing. She stated the difference today was there is no special use requirement that would come before the PAB. She explained a multi-family project or townhome style development would come through the City's Technical Review Committee (TRC), receive a local development order, and then be able to move forward. She provided further details from the staff report including that staff's recommendation was approval.

Member Ross referred to Section 12 of the Comprehensive Plan (economic development) and read "protect existing land designation for employment generating uses....." He questioned why the City was taking commercial land and turning it into residential land, which seems to be opposed to this economic development element of the Comprehensive Plan. Ms. Gibson replied it is a private applicant driven text amendment. She stated she found given that the surrounding area is a resort rental type of use that the property can generate jobs and continue to support that area. The board reviewed an aerial of the property in question. It was noted if this had gone through the City Commission for approval in the past and they just didn't develop the property they would have had the land use and zoning tied to the property.

Mr. Jon Lasserre, agent for the applicant, referred to Section 12 and noted it refers to job opportunity areas. He expressed his opinion that it was not applicable in this case. He stated his client's family assembled the property at 1940 South Fletcher and the two vacant parcels south of it over a time period from 1999 until two were sold in 2013. He commented in 2004/2005 his client and the City were engaged in a lawsuit over the lack of ability to develop the oceanfront, and part of the settlement was this parcel could be used as overflow parking for the oceanfront property. He explained the reason Mr. Kuitems stopped going forward on the R-3 application with the City Commission was to maintain Commercial so it could be paved in terms of a parking lot. He stated since the two oceanfront properties were sold in 2013 that was no longer necessary, and now Mr. Kuitems was seeking to return something that is more compatible. Member Morrill inquired if anything has to be done in relation to the legal settlement. Mr. Lasserre replied he was not building on that property, and he believed the selling of the property severed that settlement agreement. Chair Lane inquired about the size of this property. Mr. Lasserre replied .38 acres. It was noted there would be enough room for three units with parking onsite.

Member Ross noted the Nassau County Economic Development Board (NCEDB) has talked about a diversified tax base and they promote having commercial development to diversify the tax base. He stated this was taking commercial land and turning it into residential land. He questioned how this was

promoting a diversified tax base. Mr. Lasserre referred to the surrounding area and the residential development that has already taken place south of it and pointed out the parcel is small for one standalone commercial development. He commented this property has been for sale for the last 15 years as commercial property and it hasn't sold. He explained three residential units appear to more in keeping with the neighborhood than a hotel or a restaurant or a parking lot. There was a brief discussion about the surrounding uses.

The public hearing was opened at this time.

Mr. Ray Anderson, 2162 First Avenue, questioned the implication of non-conforming for those other residences. Ms. Gibson replied they are currently a grandfathered use, which is allowed to continue as long as that use does not lapse for a period greater than 180 days. Chair Lane inquired about when the property is sold. Ms. Gibson replied a property may be sold that is non-conforming and continue to maintain the same non-conforming use status as long as it remains occupied and within that same use. Mr. Anderson inquired if the intent of the development was to be used as vacation rental properties or residences. Ms. Gibson explained there is no requirement per the application process to make any decision about future development. She stated the owner determined after this has been on the market for a period of time under general commercial status and it was not selling so they felt it was in their best interest to convert it to a residential land use to sell the property. She commented short-term rental was permissible under the R-3 zoning. Mr. Anderson expressed his concern that the other residences on South Fletcher have vacation rentals and the neighborhood takes on a different aspect.

Member Beal questioned if the three properties to the south could be bought and operated as a commercial property. Ms. Gibson replied yes as a lodging accommodation. She pointed out there would be aspects if you were to operate as a lodging accommodation that would not be conforming because you would not have a hotel lobby unless it was associated through some other hotel. Member Beal inquired if it could be any other use within C-1. Ms. Gibson replied yes any other use within C-1. There was a brief discussion about this and that if the property was vacated and shut off utilities for greater than 180 days the nonconforming use would no longer be available and the property would have to be used as commercial space.

Ms. Patti Roberts, 2172 First Avenue, commented that over 60% of that end of First Avenue was owner occupied and there are very few long term rentals. She stated the idea of short term rental was like a new party every week, and that is not fun when it is in your neighborhood. She explained during a holiday weekend or a busy time the parking lot behind Dairy Queen is full. She pointed out she didn't have a problem if they were asking for R-1, because then someone would be building a house on that corner. She expressed her concern with R-3 to have short-term rental and traffic in the area.

Mr. Howard Neidig, 2786 Robert Oliver Avenue, explained his daughter lives at 2218 B First Avenue and concurred with the previous speaker. He explained weekly rental seems contrary to the other homes in that area.

Mr. Lasserre pointed out the zoning to the south of this and this property could be used like the Beach Club is over on South Fletcher or create a lodging accommodation. He explained they were talking about three units not a hotel or a condominium complex. He stated his client hasn't identified if he intends to build townhomes or rent them short term or long term. He pointed out the requested density would allow three units, and the property was twice the size of the two townhomes south of it. He commented the question is about the ability to do short-term rentals. He explained the problem with R-1 with one big house is that nobody wants to live next to fire station. He provided further comments in support of the

requested amendment including it was in keeping with good planning to go from commercial to high density residential to medium density residential to single family residential.

Member Lawrence inquired about subdividing the property into three lots and making them R-2. Ms. Gibson stated you have a minimum lot width in R-2 of 50 feet. After some discussion about the idea of subdividing the property, Member Ross briefly expressed his opposition to the request since it was turning commercial land into residential land and he was also opposed to the R-3 density. Member Beal briefly commented he thought it was a good transitional use from the commercial. There was some discussion about step down zoning/transitional zoning.

Mr. Anderson questioned step down zoning and where the character was changing and how that was connected to this request. Mr. Lasserre explained a change was put into effect in 1999 that limited short term rentals to only the R-3 zoning district, and you could only maintain your resort rental permit if you were grandfathered in and you continued with that use. He stated that was the reason you have a myriad of homes along South Fletcher that have the short-term rental ability. He pointed out since then there have been four new hotels built in the last 5+ years, but 10 years ago there weren't five hotels within a half mile of this property. He commented that has created the amount of traffic that is now at Sadler Road and South Fletcher. He briefly explained the change of the businesses in the area (Sliders, Hammerhead, etc.) He referred to step down zoning and stated the highlighted lot was the second application before the board. He briefly explained the idea of stepping down from commercial to the residential zoning. There was further discussion about step down zoning and keeping in mind the existing uses in the area. It was pointed out that R-2 was also a step down from commercial.

Ms. Gibson explained she ran a density calculation on the adjoining properties, and if the townhomes could be changed to R-2. She stated because of their narrow size they just meet the minimum for R-3 zoning standards (4,356 square feet of land area) to support that one unit. She pointed out the City would have to apply high density residential R-3 zoning status to those properties in order to make them conforming. There was further discussion and deliberation about the request before the board.

The public hearing was closed at this time. *A motion was made by Member Ross, seconded by Member Lawrence, to deny PAB 2016-16 to the City Commission requesting a Future Land Use Map (FLUM) assignment to High Density Residential and zoning change to R-3 from General Commercial Use and C-1 as described in PAB 2016-16 as presented is not sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time.* Member Ross inquired if the denial fails then the board would have to come up with a new motion to approve. City Attorney Bach replied correct. *Vote upon passage of the motion was taken by ayes and nays and was as follows:*

- Member Rogers: Nay*
- Member Beal: Nay*
- Member Ross: Aye*
- Member Lawrence: Aye*
- Member Morrill: Nay*
- Member Bennett: Nay*
- Chair Lane: Nay*

Motion failed.

A motion was made by Member Morrill, seconded by Member Rogers, to approved PAB 2016-16 to the City Commission requesting a Future Land Use Map assignment of High Density Residential

and zoning change to R-3 from General Commercial Land Use and C-1 as described; and that PAB 2016-16 as presented is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Nay
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.2. PAB 2016-17 - FRANK D. KUITEMS, 1940 S. FLETCHER AVENUE - ZONING MAP AMENDMENT - (PAB 2016-17), ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL.

Ms. Gibson explained this parcel totals roughly .41 acres and was currently operating as a nonconforming land use. She stated at present it has a long term rental occupied at the property, and it was a duplex. She pointed out the request was the assignment of high density residential land use and R-3 zoning. She commented the intent was to maintain its current nonconforming status and remove that nonconformity. She explained there were no development plans associated with the property. She stated directly across the street and directly north of the property are high density residential zoning and adjacent to it is commercially zoned property that are resort style in nature. She reported upon review of consistency of the request staff recommends approval.

Member Ross inquired when the duplex was built how did it get zoned commercial. Ms. Gibson replied it may have been built prior to the current zoning was in place (1971). She commented through the digitizing of maps this property may have been overlooked and zoned commercial or the City may have wanted to see it be commercially developed. She explained with the development surrounding this property it was logical that an R-3 zoned district would be appropriate for this property.

Mr. Jon Lasserre, agent for the applicant, explained his grandparents purchased this property in 1973 and he grew up here until it was sold in 1999. He stated it was zoned commercial because the City wanted that whole area to go commercial. He concurred with staff and commented this was clearly a prime example of transitional zoning.

Member Ross inquired why the applicant was opposed to keeping it commercial. Mr. Lasserre explained when they bought it they intended to assemble the three lots with 215 feet on the oceanfront to build a hotel. He stated since then they sold two lots for the development of a hotel and were now seeking R-3 for this parcel. He pointed out this has been residential use since 1971 and the intent was to keep it as residential use. Member Beal pointed out that this property could not be assembled with the commercial property to south due to the prohibition of assembling more than 100 feet. He stated this would have to be a standalone commercial site. Mr. Lasserre replied correct and explained that was why the assemblage didn't work.

The public hearing was opened at this time and there being no comments from the floor the public hearing was closed. Member Ross again expressed his opposition to turning commercial property into residential. **A motion was made by Member Beal, seconded by Member Rogers, to recommend approval of PAB 2016-17 to the City Commission requesting a Future Land Use Map assignment of High Density Residential and zoning change to R-3 from General Commercial land use and C-1 zoning as described; and that PAB 2016-17 as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Aye
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.3. PAB 2016-18 - THE ASPIRE AT AMELIA II, LLC, 3017 & 3021 AMELIA ROAD - ZONING MAP AMENDMENT + LAND USE MAP AMENDMENT + VOLUNTARY ANNEXATION - REQUEST FOR VOLUNTARY ANNEXATION INTO THE CITY OF FERNANDINA BEACH, ASSIGNMENT OF A FUTURE LAND USE CATEGORY OF MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL LOW-MEDIUM (RLM) ZONING

Ms. Gibson explained this request was for a voluntary annexation of roughly 7.91 acres of land located at Simmons Road and Amelia Road. She stated the property has two single family homes and pasture land. She pointed out the Nassau County land use and zoning carries an Open Rural designation and RS-2. She explained the request was for Medium Density Residential land use designation with a Residential Low-Medium zoning designation, which was consistent with the surrounding area of that property. She pointed out the property was recently purchased by Aspire at Amelia to be part of a complex of uses that would be an assisted living facility, while the property would be a standard single family subdivision site that will have access to the assisted living facility amenities on the adjacent property. She explained the request was consistent with Comprehensive Plan policies with respect to its public facilities, and was consistent with the Land Development Code. She stated the annexation would not represent an enclave and was a logical extension of the City's boundary.

Member Ross questioned if the current zoning was Open Rural. Ms. Gibson replied a portion of the property is (4.14 acres). Member Ross referred to the total units that could currently be put on that property and explained the answer was one per acre. He questioned how many units would be able to be put here. Ms. Gibson replied a maximum of 65 units. There was some discussion about this request noting the need to annex was to receive City water and sewer. The assisted living facility would be located directly behind it to the west.

Mr. Lasserre, agent for the applicant, introduced Mr. David Hink and Mr. Bruce Jasinsky with Aspire Development. He explained Open Rural allows one per acre, and there was no comparable City zoning. He stated they were going from medium density in the County to medium density in the City. He referred to the zoning of 8 units per acre and noted that was with Medium Density Residential in the City. He pointed out Residential Low-Medium was 6 units per acre. He explained due to the characteristics and

layout of the property the maximum units was in the 30 range given a 50 foot wide lot. He stated this request was standalone to be annexed into the City with appropriate zoning and FLUM designation. He pointed out the intent was to tie together this project with the adjoining C-2 project. He clarified there was no intention to make this the assisted living facility, because it would be single family homes for sale. He briefly provided a comparison with Osprey Village that has single family detached homes. It was noted there weren't many trees on this property, but once annexed the City's Tree Ordinance would apply to the project. The board noted with RS-2 it was about 3 units per acre and there were 3.77 acres under the RS-2 zoning. Member Ross noted 18 units would be allowed under the current County zoning.

Chair Lane inquired if the C-2 property would be owned by the same development. She noted that Osprey Village and those in Jacksonville are owned by the same group. She commented people own their private home, but they buy into that assisted living. Mr. Lasserre deferred to the developer and stated they are related entities with one for sale and one is not. Chair Lane questioned staff if the board would see the platting for the C-2 part. Ms. Gibson replied there is no platting associated with commercial development. Member Lawrence inquired if the single family homes would be sold with restrictive covenants of some type that tie them to the commercial property. Mr. Lasserre stated they would share amenities. There was a brief discussion about this.

The public hearing was opened at this time.

Ms. Marilyn Baggett, 820 Simmons Road, pointed out she also owns a home on Spanish Way. She explained they have an access gate where they can leave the subdivision and go along trail which has many trees. She pointed out on the map where there were entrances for the two single family homes. She expressed her concern with 40 units in this area and the increase to traffic from this area that currently only has two driveways. She stated this area is currently in the County with a lot of trees, and commented that would be a lot of traffic added to a small rural road. She provided further comments expressing her concern with the number of people coming in and out of that area.

Chair Lane inquired about the model for this subdivision. Mr. David Hink replied their model was either age restricted or age targeted. He explained the residents are looking for a broader place in the community and they are looking for the services, which was why they thought these homes would add value over other homes. Member Morrill inquired if there would be any covenants or deed restrictions. Mr. Hink replied absolutely and stated those haven't been put together yet. He explained they would be deed restricted in the type of landscaping, frontage, type of roof, limited character so they match together, etc. He commented it would be like a Homeowners Association (HOA) that has a clubhouse. He explained on the other parcel they are developing a large clubhouse for the members for the independent living participants as well as the assisted living participants. He stated the HOA monthly fee would be for maintenance of the exterior landscape and for privileges to use the dining and other facilities on the main campus.

Member Ross questioned if hypothetically they don't go forward with this project how many units could be placed on this property. Ms. Gibson stated she would give the board an exact figure momentarily and reminded the board Mr. Lasserre pointed out the zoning code restricts through the RLM zoning district to 6 units per acre. Member Ross noted in that area there are single family homes on big lots and questioned how this would fit in with that. Mr. Hink stated their interest was for single family homes in there, which would be supportive of the larger community. Member Ross commented those single family homes would be on much smaller parcels than what is in the neighborhood. Mr. Lasserre explained the Barrington subdivision has 23 lots and was approximately the same size as this property where they were talking about 30 so it was quite comparable. He referred to the surrounding property and stated they are

not departing dramatically from the character of the area. There was further discussion about this request and it was noted that it would annex immediately because it was contiguous to the City and would be under the City's Tree Ordinance and other ordinances. City Attorney Bach briefly explained when a property is annexed you have to assign a City zoning category.

Mr. Lasserre stated they were applying to be annexed and at the same time they were asking for a FLUM designation and zoning. Member Ross requested clarification of the annexation process. Ms. Gibson explained when someone comes to the City with a request to be annexed one of the things the City looks at is to find out if that property is contiguous to the City limits. She stated this property is contiguous so the City was requesting a voluntary annexation, because with them coming into the City now there was no need for an annexation agreement. There was further discussion to clarify the annexation process, and Ms. Gibson explained that with the RLM zoning at 6 units per acre including public rights-of-way you could have up to 52 units total. She pointed out this project would come back before the board for preliminary and final plat. She explained the board would see the streets and the layout of the lots at some point in the future because this will follow a subdivision process. Member Ross inquired if it was R-1 how many units could be built. Ms. Gibson replied 34 units and there was the minimum lot width of 75 feet.

Mr. Michael Waskew, 3105 Aja Court, explained his property abuts this land. He commented this was sticking in a higher density between two lower densities of housing, which makes no sense to him. He stated reading the zoning designation not only does it allow single family houses, but allows townhouses, duplexes, and triplexes. He noted this would allow for great flexibility in developing the property. He referred to Osprey Village and pointed out you can't resell your property except to Osprey Village. He noted that once this property is rezoned it is rezoned. He explained he was pleased to hear single family was proposed, and suggested that it be made 75 foot lots. He commented the neighbors would like to maintain the nature of the existing neighborhood. He pointed out there are wetlands on the commercial parcel directly behind his property, and whatever development is done will create runoff. He expressed his concern about the impact to their retention pond. He provided further comments about the proposed project and expressed his hope that the development understands that the neighbors want the zoning to reflect what they have now.

Mr. Tom Martin 3136 Aja Court, expressed his concern about the traffic because there is already a lot of traffic on Amelia Road. He commented adding another entryway was going to cause even more traffic. He explained he didn't see a big difference if R-1 restricts what can be built and is a 75 foot lot size, because he thought that was in keeping with what his subdivision has. He also expressed his concern about what happens to Barrington's retention pond when there is runoff from 30+ homes.

Member Bennett noted if they build this they would have to have their own retention. Mr. Lasserre stated the developer cannot tie into Barrington's retention pond without their consent. He pointed out there would be onsite retention on this property as well as the commercial property and be designed as to where the water would go if it were to overflow. He explained they were aware of the drainage in the area and it would have to be permitted through the St. Johns River Water Management District (SJRWMD). He stated although Medium Density Residential does allow single, duplex, triplexes, and condominiums the requested zoning, RLM only allows single family. He pointed out single family was the only housing type under RLM. He referred to the concerns about commercial traffic and commented it was not reasonable to take a commercial truck for the assisted living facility down Amelia Road. He stated there would be a major entryway through Amelia Island Parkway. Ms. Gibson explained the staff report points out the requirements for permitting for a subdivision and read a portion into the record. She referred to the questions about the future of Simmons Road and stated she has been working with Nassau County

there was a proposed 10 foot paved multi-use path that would go along Simmons Road connecting the beaches at South Fletcher all the way to Bailey Road. Mr. Lasserre commented his client has been working on that multi-use path as well, and they intend to dedicate 15 feet along Bailey Road to facilitate that path as well as land along Amelia Island Parkway. There was some discussion about the multi-use trail.

Member Ross questioned the choices with the zoning associated with this annexation. City Attorney Bach replied usually the choices are to keep it in line with what the County zoning is. It was noted there was not comparable zoning to Open Rural in the City. Member Ross inquired about the choices. Ms. Gibson replied the most reasonable fit was Medium Density Residential and RLM zoning. Member Ross argued that R-1 is the most comparable to Open Rural.

Ms. Lauree Hemke, 751 Barrington Drive, expressed her concern with the proposed zoning. She stated she didn't see why the zoning cannot be the same as Barrington or comparable. She also expressed her concern that if approved people would build at a higher density and she was concerned with the wetlands as well as the greenery around the property. She stated she didn't have a lot of faith in developers that say they are going to protect the trees. She explained she was also concerned with the roads and the traffic in the area.

Ms. Elsa Mitschele, 3105 Aja Court, pointed out currently there is a creek that runs along the entire proposed area and where she lives. She inquired about what would happen with that creek. She also inquired what they would do to differentiate that neighborhood from Barrington. Mr. Lasserre stated he was familiar with the wetland behind the Barrington subdivision on the Amelia Holdings property, which is in the City. He pointed out wetland property in the City cannot be touched, and would be protected by the City's regulations. He referred to trees and reported they would abide by the Tree Ordinance. He pointed out transitional zoning is important and there are a lot of uses under C-2 so this property would be stepping down the zoning. He clarified it was going from Intensive Commercial to Low to Medium Density to allow the development of this particular site. Chair Lane suggested the developer work with the Tree Conservancy in their planning. There was a brief discussion about this.

Ms. Mary Pitcher, 3116 Amelia Road, pointed out Amelia Road is a very narrow road with no shoulders. She stated she did not have any objection to any of this or the zoning with the exception of any entry or exit onto Amelia Road other than what is currently there. She suggested that the major entrance be off Amelia Island Parkway and no entry or exit onto Amelia Road.

Ms. Melinda Signorella, 3117 Aja Court, explained her house backs up to the retention pond and if there is no type of wall securing the area between their property and Barrington's pond she was concerned about the liability with that pond. She commented senior citizens could stumble out and fall into the pond. She questioned how this would be tying into Amelia Island Parkway, because she didn't want that to back up to her property either. Mr. Lasserre noted the concerns and explained they have to have a secondary access for the project. He pointed out that would be taken care of at the Technical Review Committee level. He stated the only logical entrance for heavy traffic would be from Amelia Island Parkway not from Amelia Road. He explained this was a logical move from C-2 to an area that is developing and growing. He pointed out there are three driveways along Amelia Island Parkway accessing two homes and a farm, and that would be reduced to one. He referred to the liability of the pond and explained each homeowners association would be responsible to be sure they are not negligent in maintenance and securing its border.

Mr. Dwight Ingram, 3135 Aja Court, expressed his concern about traffic congestion at Simmons and Amelia Road as well as over at 14th Street. He also expressed concern about the secondary access to the property onto Amelia Road. Mr. Lasserre explained the previous owner divided the property in this manner and the platting would come back to the board for approval. He pointed out that was not necessarily where the entrance would be.

Member Lawrence commented if this were annexed without consideration of the adjacent property it could be a standalone subdivision so there would be that traffic in and out without the potential of tying into something and a secondary exit. He explained he was starting to see the advantages of this with how it was being put together as a package to help alleviate some of the issues. He pointed out they might want to give the opportunity to people in Barrington to join the club, because it was really the same demographic. He questioned if the project was financially feasible as an R-1 project. Mr. Bruce Jasinsky, 645 Gaines Lane, explained they are trying to create a product where people were more than likely wouldn't be taking children to school every morning and would more than likely dine it at the facility. He stated these people are going to be less mobile than what a typical subdivision would be. He commented a typical R-1 subdivision would create that much more traffic. He referred to the question of financially could you do a few less and stated financially is one issue but another is logistically. He pointed out how many senior facilities do you go to where there are big yards and big houses. He explained they are trying to create a controlled environment with smaller lots and smaller houses, because these people would be stepping down. He commented the preliminary work after all the City codes are put in under the RLM zoning they only get about 30 units. He provided further comments about this concept. There was further discussion about this case noting that with R-1 zoning there could be 34 units. Ms. Gibson briefly outlined the next steps for this annexation request, the assignment of a Future Land Use Map category, and zoning designation that would go before the City Commission as three separate Ordinances. She pointed out the board in the future would see a preliminary plat and final plat associated with the development of the subdivision. She stated this property would be treated as a standalone subdivision regardless of the association/affiliation it will have with the assisted living facility. The board continued its discussion with the applicant with regard to the zoning for this project.

Ms. Gibson provided a brief clarification about the Technical Review Committee (TRC) process which includes various City departments to review the initial site plan, which then would move forward with the process of a preliminary plat. She further explained the process of the project moving forward.

The board took a brief recess at this time.

Chair Lane polled the board about moving the Port Master Plan item to the August. After a brief discussion, *the consensus of the board was to postpone the Port Master Plan discussion item to August.*

Member Ross noted this property is going to be annexed and have some residential designation. He commented it was a matter of whether it was going to be R-1 or RLM.

Mr. Michael Waskew, 3105 Aja Court, commented the residential development part of this would be treated as a separate parcel not connected to the development of the commercial parcel. He noted the separate parcel requires two means of egress not through an adjacent property. He pointed out there would be an access on Amelia Road and one onto Simmons or two onto Amelia Road. He stated the 182 people that live on parcel C would increase the traffic onto Amelia Road. He explained he wasn't opposed to development, but they want to be sure the board hears the neighbors' concerns and address them upfront.

Mr. Lasserre questioned staff if there was anything in the code that would prohibit the second access coming through Amelia Island Parkway if it was a dedicated easement across private property. He referred to the concern of people leaving the assisted living facility to exit onto Amelia Road and explained a gate was intended to prohibit that. Ms. Gibson stated the vehicular section is 4.04.02(e) and read there should be at least two vehicular access points to an improved right-of-way. There was a brief discussion about this and it was noted the TRC has reviewed the preliminary application for the assisted living facility.

The public hearing was closed at this time. **A motion was made by Member Bennett, seconded by Member Morrill, to recommend approval of PAB 2016-18 to the City Commission requesting that a voluntary annexation to the City limits be approved assigning the Medium Density Residential land use and RLM zoning category as described in PAB 2016-18; and as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Rogers:	Aye
Member Beal:	Aye
Member Ross:	Nay
Member Lawrence:	Aye
Member Morrill:	Aye
Member Bennett:	Aye
Chair Lane:	Aye

Motion carried.

4. **Comments by the public** – There were no comments from the public at this time.
5. **Board Business**
 - 5.1. **Sunshine Law Overview** – This was provided by the City Attorney at beginning of meeting after approval of Minutes.
 - 5.2. **Discuss Public Speaking Procedures** – City Attorney Bach commented that the board has bylaws, and she couldn't remember if there was a speaker limit. Chair Lane noted in the past the board opened up the speaking and there were times where the board has said it would have to be limited to three minutes. She explained she had no intention of cutting people off. She questioned if the board wanted to handle this on a case by case basis. Member Bennett explained part of the board's job was to hear from the public. He stated he rather leave it on a case by case basis, because sometimes it takes a little longer so that the public understands. Member Beal agreed with case by case. He commented when there is a chamber full the board may have to limit people especially if they start saying the same things over and over. He explained when you are passionate about something to be limited to three minutes and you are the only person in the audience it angers you. Member Lasserre agreed with a case by case basis, and pointed out tonight there were a lot of people and they were respectful. There was some discussion and deliberation about the best way to proceed, and it was noted in the past the board has asked speakers to limit themselves. The board also noted when an item gets so emotional it takes away from it, because people stop looking at the facts.

City Attorney Bach commented in her experience taking a recess will diffuse an issue and it works well when people are emotional. Chair Lane noted people get emotional with change. City Attorney Bach suggested a time set for the hearing or having an end time to the board's meeting. Chair Lane stated she likes the mix of the board discussing things and then hearing from the applicant and questions can be asked about that. Member Lasserre commented he had to appear before Nassau County's Code Enforcement Board three times over the last three months, and they begin their meeting going over the procedure. There was further discussion about having a procedure and Chair Lane requested the board's thoughts be sent to the City Attorney.

5.3. Discuss Port Master Plan and Comprehensive Plan Inconsistencies for OHPA Review (Continued Discussion from June Meeting) – During item 3.3 the board was polled, and *the consensus was to postpone the Port Master Plan discussion item to August.*

Board Agenda Materials - Member Ross referred to the timing of getting the board's agenda materials and explained where he used to live ten days before was a cutoff date. He pointed out for the cases he goes through the material and visit the sites. He questioned if there was a way to get it at least a week ahead of time. Chair Lane pointed out the board used to get material earlier, but staff was inundated with a lot of stuff. Ms. Gibson replied the internal procedure was to get it to the board one week in advance, and over the last four years she has had to push it back to the Friday before so there is at least the weekend to review as well as the days leading up to the meeting. She reminded the board of the special meetings back to back and explained with her becoming ill she was unable to get the information to the board. There was a brief discussion about this and getting materials to the board in an earlier timeframe.

City Attorney Bach pointed out the advertising requirements are ten days before, which is days before an agenda is even posted. She explained if staff was running behind it would appear on the agenda because it has been advertised. She commented if the board felt it was not prepared a motion can be made to postpone until the next meeting. There was further discussion about this and it was noted it was also up to the board members to do independent research to make decisions on facts.

6. Staff Report – Ms. Gibson reported the American Planning Association (APA) has selected the City's Comprehensive Plan to be reviewed for best practices as part of their sustaining places initiative, and for consideration as a pilot program to help with other small towns and communities. She explained she would receive more feedback about that later this year. She pointed out the City has a couple new brochures that an intern worked on (citizen's guide to tree and landscape requirements and bicycle safety).

The next regular Planning Advisory Board Meeting would be July 13th.

7. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:29 pm.

Secretary

Judith Lane, Chair

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Ordinance 2016-25**
Future Land Use Map Amendment - 3017 and 3021 Amelia Road

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **Approve Ordinance 2016-25 at First Reading.**

SYNOPSIS: The applicant, Aspire at Amelia II, LLC, has requested a voluntary annexation, assignment of the Medium Density Residential (MDR) land use, and RLM (Residential Low-Medium) zoning designation. The action is requested in order to gain access to the City's water and sewer services. The property is currently contiguous to the municipal limits on its southern and western borders. The applicant intends to build a single family home subdivision.

The proposed Medium Density Residential land use and RLM (Residential Low-Medium) zoning designations for these properties are generally consistent with the Nassau County zoning and land uses currently assigned to them given the detached single family home sites which surround the property. Uses permissible under the proposed zoning categories are provided in Table 2.03.02 of the Land Development Code. The RLM zoning district requested with this application will limit development to exclusively single-family homes.

Staff has issued a recommendation of approval. The Planning Advisory Board considered the requested Future Land Use Map Amendment at its regular meeting on July 13, 2016, and issued a recommendation of approval.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

2016/2017 CITY COMMISSION GOALS:
(As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2016-25 at First Reading.

DEPARTMENT DIRECTOR	Submitted by: Marshall McCrary, CDD Director	Date: 7/29/16
CONTROLLER	Approved as to Budget Compliance	Date: 8/3/16
CITY ATTORNEY	Approved as to Form and Legality	Date: 8/3/16
CITY MANAGER	Approved Agenda Item for 8/16/16	Date: 8/2/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

ORDINANCE 2016-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S FUTURE LAND USE MAP TO MEDIUM DENSITY RESIDENTIAL (MDR) FOR PROPERTY LOCATED AT 3017 AND 3021 AMELIA ROAD, TOTALING APPROXIMATELY 7.91 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the Future Land Use Map Amendment application number PAB 2016-18 at its July 13, 2016, meeting and recommended approval of the change to Medium Density Residential (MDR); and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on June 29, 2016.

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

SECTION 1. PROPERTY INVOLVED. The properties identified for this change of the Future Land Use Map is located at 3017 and 3021 Amelia Road and identified as Parcel ID # 00-00-30-044B-0028-0010, 00-00-30-044B-0028-0012, and 00-00-30-044B-0028-0014, totaling approximately 7.91 acres, and is shown on the map attached hereto as Exhibit "A".

SECTION 2. FUTURE LAND USE MAP CHANGE. For the property in question, the City's Future Land Use Map is hereby changed to Medium Density Residential (MDR).

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

ADOPTED this 20th day of September, 2016.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

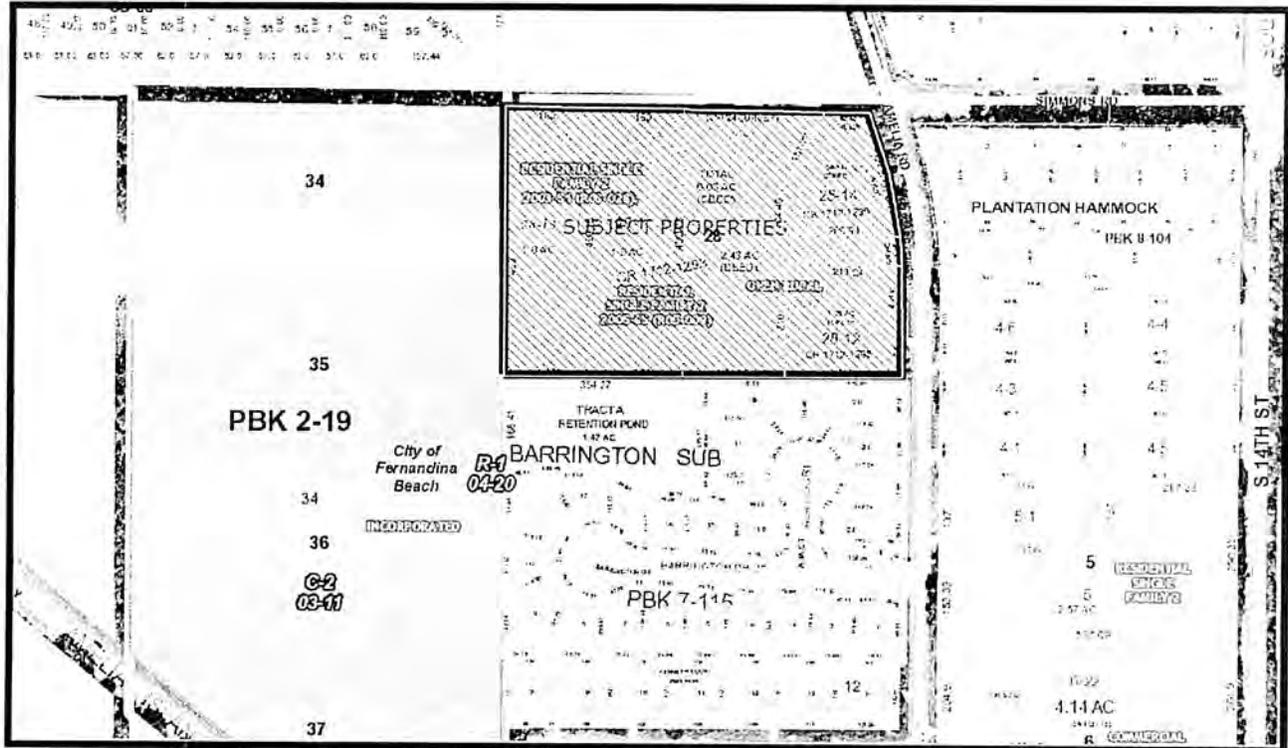


CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

ORDINANCE 2016-25 EXHIBIT "A"

THE ASPIRE AT AMELIA II, LLC, (PAB CASE 2016-18), REQUESTING AN ASSIGNMENT OF A FUTURE LAND USE MAP CATEGORY OF MEDIUM DENSITY RESIDENTIAL (MDR) FROM NASSAU COUNTY OPEN RURAL (OR) AND RESIDENTIAL SINGLE FAMILY 2 (RS-2) AND IDENTIFIED BY PARCEL NUMBERS 00-00-30-044B-0028-0010, 00-00-30-044B-0028-0012, AND 00-00-30-044B-0028-0014, TOTALING 7.91 ACRES OF LAND.





STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016



APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	The Aspire at Amelia II, LLC				
AGENT:	Roger Towers, P.A. – Jon C. Lasserre, Esq.				
REQUESTED ACTION:	Voluntary Annexation, Future Land Use Map Change, and Zoning Map Change				
LOCATION:	3017 and 3021 Amelia Road				
CURRENT LAND USE + ZONING:	Nassau County Medium Density Land Use + Nassau County Open Rural zoning on ~ 4.14 Acres and Residential Single Family 2 zoning on ~ 3.77 acres				
PROPOSED LAND USE + ZONING:	City of Fernandina Beach Medium Density Residential (MDR) Land Use + City of Fernandina Beach Residential Low-Medium (RLM) zoning				
EXISTING USES ON SITE:	3017 Amelia Road contains a Single Family home and swimming pool, 3021 Amelia Road contains a Single Family home, ~5.93 acres of land are “pastureland” identified as Old Amelia Farm				
PROPERTY SIZE:	7.91 Acres Parcel ID #: 00-00-30-044B-0028-0010, 00-00-31-044B-0028-0012, 00-00-30-044B-0028-0014				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
NASSAU COUNTY	North	Single Family Home with a barn on 6.02 Acres of land	2004	Nassau County Residential Single Family 2	Nassau County Medium Density
WITHIN CITY LIMITS	South	Simmons Road Unimproved ROW on northern border with 2018 FDOT funded multiuse path improvement Barrington Cove Subdivision- Single Family Homes (23 lots) and Site Improvements	2007-2016 Nearing build-out	R-1: Low Density Residential	Low Density Residential (LDR)
NASSAU COUNTY	East	Single Family Homes	1995/2015	Nassau County Residential Single Family 2	Nassau County Medium Density
WITHIN CITY LIMITS	West	Vacant Commercial Property (Portion of Aspire At Amelia- Assisted Living Complex)	Vacant	C-2 (General Commercial)	General Commercial (GC)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City’s website and at the Community Development Department Office. ***



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant, Aspire at Amelia II, LLC, has requested a voluntary annexation, assignment of the Medium Density Residential (MDR) land use, and RLM (Residential Low-Medium) zoning designation. The action is requested in order to gain access to the City's water and sewer services. The property is currently contiguous to the municipal limits on its southern and western borders. The applicant intends to build a single family home subdivision.

The proposed RLM (Residential Low-Medium) zoning and Medium Density Residential land use designations for these properties are generally consistent with the Nassau County zoning and land uses currently assigned to them given the detached single family home sites which surround the property. Uses permissible under the proposed zoning categories are provided in Table 2.03.02 of the Land Development Code. The RLM zoning district requested with this application will limit development to exclusively single-family homes.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	<i>Policy 4.01.02 All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.</i>
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)
Fire-Rescue Services	240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)
Police and Law Enforcement Services	Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. Under the proposed Future Land Use of Medium Density Residential (MDR) a maximum of 8 units per acre is permissible which would allow up to 65 dwelling units. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Voluntary Annexation, Future Land Use Map change, or Zoning assignment request.

The establishment of Medium Density Residential (MDR) land use and RLM (Residential Low-Medium) zoning on the subject property could result in a maximum of 65 units. A concurrency determination for impacts to Nassau County roadways must be assessed under the City's current requirements contained in LDC Section 7.04.05. All proposed developments generating more than 400 Average Daily Trips (ADT) require a traffic concurrency determination from the Northeast Regional Council. Under a maximum development scenario, Staff estimates that approximately 622 Average Daily Trips (ADT) could be generated by this development; resulting in 65 p.m. peak hour trips¹. Traffic impacts are likely on only State and Nassau County maintained roadways. Nassau County collects mobility fees for roadway impacts based on their adopted a mobility plan. It is expected that the City will, through its adopted Interlocal agreement with Nassau County, collect mobility fees on their behalf for projects within the City. This would be similar to the past collection of transportation impact fees which ceased in 2006.

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Potable water customers on the average consume approximately 5 million gallons per day. The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. At the adopted level of service and the maximum density allowed by the proposed Comprehensive Plan amendments, the residential units will consume 22,750 gallons of water per day (65 units x 350 gallons per ERC per day).

The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's customers currently generate, on average, 1.9 million gallons per day. At the adopted level of service and the maximum density allowed by the Comprehensive Plan, the site will generate 52,325 gallons of wastewater per day (65 units x 2.3 x 350 gallons per ERC per day). The Commercial facilities are calculated by an Equivalent Residential Connection (ERC) standard, which is calculated by the utilities director. The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate any proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

As for solid waste and drainage, the City currently has a contract with Advanced Disposal to dispose of solid waste, therefore the impact is irrelevant.

Drainage impacts from any new development or redevelopment will be reviewed by the City's Technical Review Committee. The City requires storm water drainage to be retained on-site and permitting through the St. John's River Water Management District.

All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02.

¹ ITE Code 210 (Single-Family Detached Housing) average PM peak hour trips = 65 (~1 trip/ dwelling unit)



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as: described below.

- a. **No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. **No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. **No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. **No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

The proposed land use and zoning category is compatible with the land use and zoning which surrounds it. The proposed development will rely on an open roadway (Amelia Road) for access to the subdivision. Water and sewer services are available to serve the site and this proposed development. No leapfrog development or scattered development patterns are generated by this annexation, land use assignment and zoning change.

1.02.04. Decisions on amendments to the FLUM shall 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; and**
- i. **Location in a Coastal Upland Protection Zone (CUPZ).**

Uses along Amelia Road are consistent with the City's single family residential land use pattern for the area. The proposed land use category of Medium Density Residential (MDR) with the RLM (Residential Low-Medium) zoning district is the most suitable classification given the characteristics of the surrounding developed properties. The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. The site currently contains two (2) single family homes, associated ancillary uses, and farmland. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee. The site is not located in a Coastal Upland Protection Zone, and the levels of service are discussed above.



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested zoning is RLM, provides for commercial land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code.

Section 2.01.04 of the Land Development Code states the intent of the RLM, General Commercial, zoning classification.

The RLM District is intended for the development of low- to medium-density single-family homes on individual lots. This designation is intended to provide for a more urban neighborhood with a higher density than the R-1 District and a lower density than the R-2 District.

The RLM zoning is requested because the preferred development pattern of this property is single family home sites.

CONCLUSION:

This is a voluntary annexation of property as compliant with all applicable Florida Statutes and the City's Municipal Code. The annexation area is compact, does not create an "enclave", and represents a logical extension of the City boundary. The area is a logical extension of urban development and any development or redevelopment is capable of achieving full compliance with the City's Land Development Code and Comprehensive Plan.

The requested voluntary annexation, land use and zoning changes are sufficiently compliant with the Comprehensive Plan, Land Development Code, and Municipal Code. Staff recommends approval of the requested actions.

MOTION TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2016-18 to the City Commission requesting that a voluntary annexation into the city limits be approved, assigning the High Density Residential/ R-3 land use and zoning category, as described and that PAB case 2016-18, as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

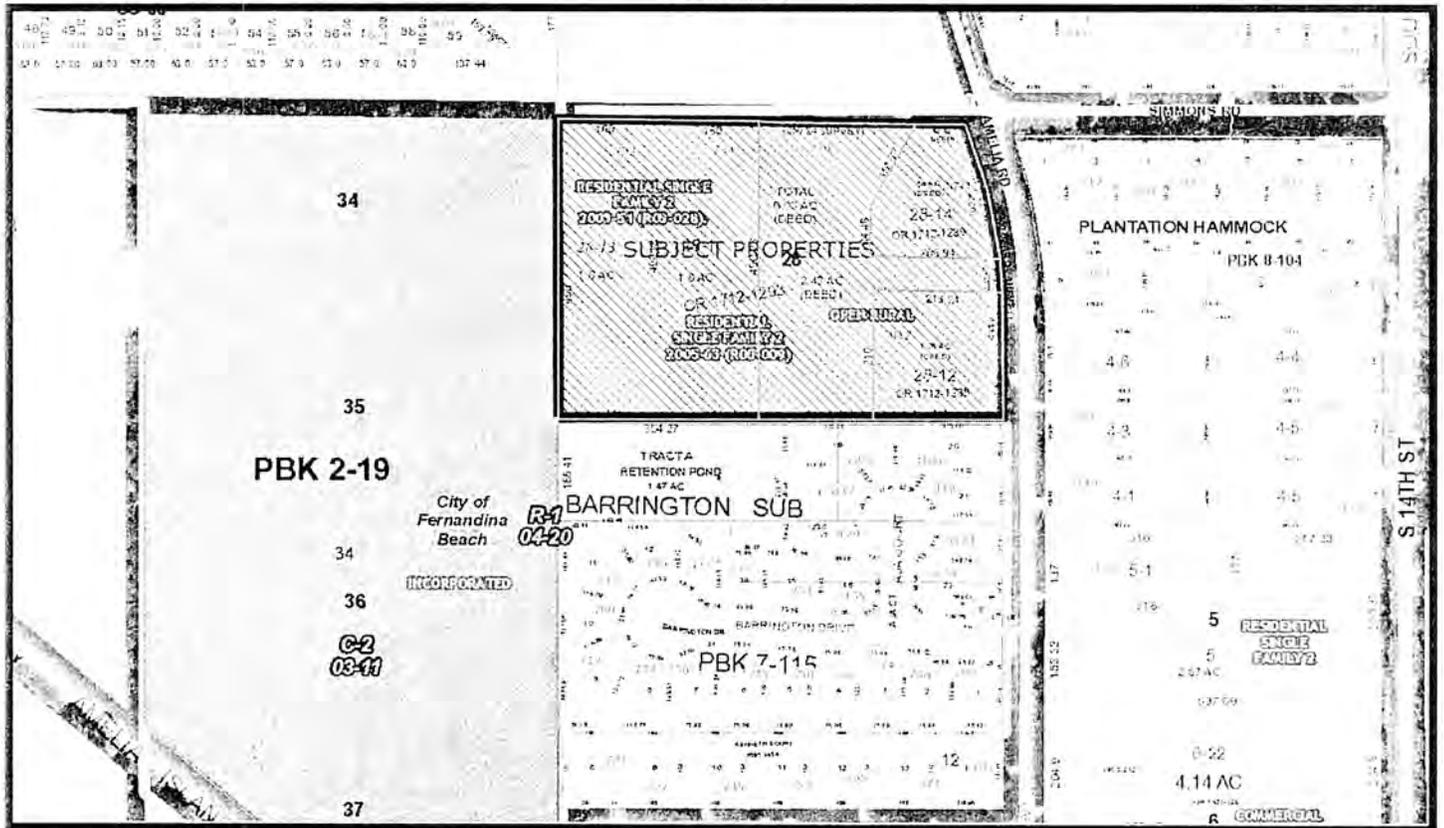
Submitted by:

Kelly N. Gibson
Senior Planner



STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016

EXHIBIT A



OFFICE USE ONLY

REC'D: 6/13/16 BY: (8)
PAYMENT: \$ 2750 TYPE: CK 1635
APPLICATION #: 2016 00009166
CASE #: 2016-18
BOARD MEETING DATE: 7/13/16



PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

APPLICANT INFORMATION

Owner Name: The Aspire at Amelia II, LLC
Mailing Address: 1435 Rolling Links Drive, Alpharetta, Georgia 30004
Telephone: (770) 243-4600 Fax: _____
Email: RKennedy@WellsREF.com

Agent Name: Rogers Towers, P.A. ATTN: Jon C. Lasserre, Esq.
Mailing Address: 960185 Gateway Blvd., Suite 203, Fernandina Beach, Florida 32034
Telephone: (904) 261-5618 Fax: (904) 261-9159
Email: JLasserre@RTLlaw.com

PROPERTY INFORMATION

Street Address: 3017 & 3021 Amelia Road, Fernandina Beach, Florida 32034
00-00-30-044B-0028-0012 & 00-00-30-044B-0028-0014 &
Parcel Identification Number(s): 00-00-30-044B-0028-0010 & 00-00-30-044B-0028-0010
Lot Number: 28 Block Number: N/A Subdivision: Ocean Breeze Farms
Section: 3 & 5 Township: 2N Range: 28E

PROJECT INFORMATION

Total Number of Lots/Parcels: Four (4)

Less than One (1) acre Sq. Footage: N/A One (1) Acre or Greater: X

Existing Zoning Classification: Open Rural (OR) and Residential - Single Family 2 (RS-2)

Existing Future Land Use Classification: Medium Density Residential

Previous Planning/Zoning Approvals: N/A

Description of Request:

Request rezoning from Nassau County Open Rural (OR) and Residential - Single Family 2 (RS-2) to City of Fernandina Beach Low-Medium Density Residential (RLM) and from Nassau County FLUM designation of Medium Density Residential to City of Fernandina Beach FLUM designation of Medium Density Residential.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

June 23, 2016
Date

[Signature]
Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 23 day of June, 2016.

[Signature]
Notary Public: Signature

Jennifer T. Athavale
Printed Name

9-30-18
My Commission Expires

Personally Known OR Produced Identification ID Produced:





USE THIS FORM TO: Request actions to affect changes to property (zoning changes, annexations, allowable uses, subdivisions).

FEES: See below. Fees are payable upon application.

IMPORTANT NOTES: To guide you through the process and ensure that your application is understood and properly processed, you'll need to meet with a City Planner prior to submitting your application. Completed applications are due 30 days prior to the Planning Advisory Board meeting date.

KEY CONTACTS: The Planning Department will guide your application from start to finish, engaging other City departments or agencies as needed.

PLANNING ADVISORY BOARD APPLICATION FOR:

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

2016 Planning Advisory Board Meeting Schedule

Application Deadline (4:30pm)	Dec 14 2015	Jan 11 2016	Feb 8 2016	Mar 14 2016	Apr 11 2016	May 9 2016	Jun 13 2016	Jul 11 2016	Aug 15 2016	Sep 12 2016	Oct 10 2016	Nov 14 2016	Dec 12 2016	Jan 9 2017	Feb 6 2017
Meeting Date	Jan 13 2016	Feb 10 2016	Mar 9 2016	Apr 13 2016	May 11 2016	Jun 8 2016	Jul 13 2016	Aug 10 2016	Sep 14 2016	Oct 12 2016	Nov 9 2016	Dec 14 2016	Jan 11 2017	Feb 8 2017	Mar 8 2017

APPLICATION REQUIREMENTS PLANNING ADVISORY BOARD

APPLICATION CHECKLIST:

Submit all of the following information for a complete application, as applicable:

- A notarized application filed at least thirty (30) days before the date of the Planning Advisory Board's public hearing;
- A current survey of the property (no older than two years);
- A completed owner's authorization for agent form, if applicable;
- A detailed letter of intent stating the following:
 - o The consistency of the proposed amendment(s) or action(s) with the City's Comprehensive Plan.
 - o A justification for the proposed amendment(s) or action(s).
- A map of the area indicating the proposed zoning district designation for the subject property. The map shall show the current zoning district designations and land use categories from the Future Land Use Map in the comprehensive plan for the subject property and all adjacent properties.

IMPORTANT NOTES AND REQUIREMENTS:

Please see additional Land Development Code (LDC) requirements for specific application types:

- LDC Text Amendment** – see LDC Section 11.01.08.
- Preliminary Subdivision Plat** – see LDC Section 11.01.05.
- Final Subdivision Plat** – see LDC Section 11.01.05.
- Zoning Map Changes** – see LDC section 11.01.07.

You will receive a staff report one week before your meeting.

STAFF CONTACT:

Kelly Gibson
Senior Planner
kgibson@fbfl.org
904.310.3135



ATTORNEYS AT LAW

Jon C. Lasserre

JLasserre@rtlaw.com

960185 Gateway Boulevard+ Suite 203
Amelia Island, Florida 32034

904 . 261 . 5618 Main
904 . 261 . 9159 Fax
www.rtlaw.com

June 13, 2016

Ms. Kelly N. Gibson
Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida, 32034

**RE: APPLICATION FOR ANNEXATION AND ZONING MAP AND FLUM
AMENDMENT
THE ASPIRE AT AMELIA II, LLC
PARCEL ID# 00-00-30-044B-0028-0014, 00-00-30-044B-0028-0012,
00-00-30-044B-0028-0010, AND 00-00-30-044B-0028-0010
3017 & 3021 AMELIA ROAD, FERNANDINA BEACH, FLORIDA**

Dear Ms. Gibson,

Our firm is pleased to present the enclosed Application for Annexation and Zoning Map and FLUM Amendment (the "Application") concerning approx. 7.91 acres located at 3017 & 3021 Amelia Road, Fernandina Beach, Florida (the "Property") on behalf of The Aspire at Amelia II, LLC, a Georgia limited liability company.

Please find enclosed a check in the amount of \$2,750.00 for the Application fees. This Application is submit in conformity with Section 11.01.07 of Ordinance 2006-14 (as amended), also known as the City of Fernandina Beach Land Development Code.

The Property is presently zoned both Nassau County Open Rural (OR) and Nassau County Residential – Single Family 2 (RS-2) with a Nassau County FLUM designation of Medium Density Residential. The Property consists of four lots that have been assembled under common ownership. There are two existing single family homes on the Property and an outbuilding used for agricultural purposes.

This application requests an annexation with concurrent rezoning to City of Fernandina Beach Low-Medium Disunity Residential (RLM) and FLUM designation of Medium Density Residential.

Among others, this requested rezoning is consistent with the following Objectives of Goal 1, The Future Land Use Element of the City's Comprehensive Plan:

- 1. Objective 1.02.04 – FLUM amendments shall be considered based upon the factors a-i:**

- a. *Type and density or intensity of surrounding uses* – The property to the north of the subject property is used as a residence and is zoned Nassau County RS-2 with a Nassau County FLUM designation of Medium Density Residential; the property to the west is a vacant land zoned City of Fernandina Beach C-2, General Commercial with a FLUM designation of Commercial; the property to the south is single family residential, zoned City of Fernandina Beach R-1 with a FLUM designation of Low Density Residential; the property to the east is single family residential, zoned Nassau County RS-2 with a FLUM designation of Medium Density Residential. A FLUM amendment for the Property to Medium Density Residential would be suitable and compatible with the type and density of surrounding uses.
- b. *Zoning districts in the surrounding area* – The zoning and FLUM designations of the surrounding area are discussed in Paragraph a, above. A zoning map amendment to RLM for the Property would be suitable and compatible with the surrounding zoning districts which require detached, single family residential uses (RLM does not allow multifamily structures, only single family). Further, the amendment would act as an additional buffer for existing residential on the east side of Amelia Road and serve as a transition area from commercial on the west side to residential zoning.
- c. *Demonstration of adequate water supply and water supply facilities* – Adequate water and water supply facilities exist.
- d. *Appropriateness of the size of the parcel compared to the proposed use* – The Property is an appropriate size for use as single family residential.
- e. *Physical condition of the site and the suitability of soils and topography for the proposed use* – The Property's physical condition, soils and topography are suitable for single family residential use.
- f. *Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources* – The Property is suitable for use as single family residential based upon the consideration of these issues.
- g. *Compatibility factors* – The property is currently compatible with the surrounding uses and the proposed FLUM designation change would make the current use compatible with the FLUM.
- h. *Impact on adopted levels of service standards and quality of service standards*
Any impact on adopted level of service standards and quality of service standards resulting from a change in the FLUM designation would be minimal.
- i. *Location in a Coastal Upland Protection Zone (CUPZ)* – The property is not located within the CUPZ.

Ms. Kelly N. Gibson

June 13, 2016

Page 3

2. Objective 1.02.08 – Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas.

a. The Property is currently used as single family residential and agricultural. The properties to the north, south and east are all single family residential. The property to the west is zoned commercial. Rezoning the Property to residential will serve to protect the adjoining existing residential uses from potentially incompatible commercial development on the Property.

I look forward to reviewing your staff report on this Application. If you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jon C. Lasserre", with a long horizontal line extending to the right.

Jon C. Lasserre

Encl.

Cc: The Aspire at Amelia, LLC c/o Leo F. Wells, Manager

After Recording Return to:

Eric L. Weiss, Esq.
Schulten Ward Turner & Weiss, LLP
260 Peachtree Street, N.W., Ste. 2700
Atlanta, Georgia 30303

STATE OF FLORIDA

COUNTY OF NASSAU

Folio Number: 00-00-30-44B-0028-0010

SPECIAL WARRANTY DEED

THIS INDENTURE, made the 19th day of May, 2016, between OLD AMELIA FARM, LLC, a Florida limited liability company, hereinafter called "Grantor," and THE ASPIRE AT AMELIA II, LLC, a Georgia limited liability company, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby transfer and convey unto Grantee, that certain land in Nassau County, Florida, being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "**Property**");

TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "**Permitted Exceptions**"), and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, except for claims arising under and by virtue of the Permitted Exceptions. "Grantor" and "Grantee" shall include their respective heirs, successors and assigns;

[signature on following page]

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed the day and year first above written.

Witness No. 1 Signature: [Signature]

Printed Name: Jon C. Lasserre

Witness No. 2 Signature: [Signature]

Printed Name: Jennifer Athavale

GRANTOR:

OLD AMELIA FARM, LLC, a Florida limited liability company

By: [Signature]
Peter L. Procko, Manager

By: [Signature]
Pamela R. Procko, Manager

Note: This deed is being executed to wind up the affairs of the dissolved limited liability company

STATE OF FLORIDA

COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 19TH day of May, 2016, by Peter L. Procko and Pamela R. Procko, as Managers of OLD AMELIA FARM, LLC, a Florida limited liability company. Peter L. Procko and Pamela R. Procko are personally known to me or have produced _____ as identification.



NOTARY PUBLIC:

Sign: [Signature]

Print: Jon C. Lasserre

State of FLORIDA at Large (Seal)

My Commission Expires: 09/15/2019

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL "C"

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTIONS 3 AND 5, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, BEING PART OF LOT 28 OF OCEAN BREEZE FARMS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF SAID NASSAU COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR THE POINT OF BEGINNING COMMENCE AT THE NORTHWEST CORNER OF "BARRINGTON", ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 115 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 88°24'06" EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PLAT OF "BARRINGTON", 499.32 FEET; THENCE NORTH 01°35'54" EAST, 210.00 FEET; THENCE SOUTH 88°24'06" EAST, 213.24 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, WHICH HAS AN EXISTING RIGHT-OF-WAY OF 50- FEET; THENCE IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE IN SAID WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 04°23'27" WEST, 60.33 FEET; THENCE NORTH 88°24'06" WEST, 206.94 FEET; THENCE NORTH 01°35'54" EAST, 84.46 FEET; THENCE NORTH 28°20'11" EAST, 151.77 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SIMMONS ROAD, A 30-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 88°23'53" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 570.27 FEET TO THE NORTHEAST CORNER OF LOT 34, SAID OCEAN BREEZE FARMS; THENCE SOUTH 01°17'10" WEST, ALONG THE WESTERLY BOUNDARY OF SAID LOT 34 AND ALONG THE WESTERLY BOUNDARY OF LOT 35, SAID OCEAN BREEZE FARMS, 490.05 FEET TO THE POINT OF BEGINNING.

After Recording Return to:

Eric L. Weiss, Esq.
Schulten Ward Turner & Weiss, LLP
260 Peachtree Street, N.W., Ste. 2700
Atlanta, Georgia 30303

STATE OF FLORIDA

COUNTY OF NASSAU

Folio Number: 00-00-30-44B-0028-0014

SPECIAL WARRANTY DEED

THIS INDENTURE, made the 19th day of May, 2016, between OLD AMELIA RENTALS, LLC, a Florida limited liability, hereinafter called "Grantor," and THE ASPIRE AT AMELIA II, LLC, a Georgia limited liability company, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby transfer and convey unto Grantee, that certain land in Nassau County, Florida, being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "**Property**");

TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "**Permitted Exceptions**"), and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, except for claims arising under and by virtue of the Permitted Exceptions. "Grantor" and "Grantee" shall include their respective heirs, successors and assigns;

[signature on following page]

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed the day and year first above written.

GRANTOR:

Witness No. 1 Signature: [Signature]
Printed Name: J C Lasserre

Witness No. 2 Signature: [Signature]
Printed Name: Jennifer Athavale

OLD AMELIA RENTALS, LLC, a Florida limited liability company

By: [Signature]
Peter L. Procko, Manager

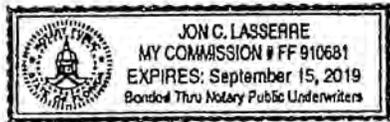
By: [Signature]
Pamela R. Procko, Manager

Note: This deed is being executed to wind up the affairs of the dissolved limited liability company

STATE OF FLORIDA

COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 19th day of May, 2016, by Peter L. Procko and Pamela R. Procko, as Managers of OLD AMELIA RENTALS, LLC, a Florida limited liability company. Peter L. Procko and Pamela R. Procko are personally known to me or have produced _____ as identification.



NOTARY PUBLIC:

Sign [Signature]
Print JON C. LASSERE
State of FLORIDA at Large (Seal)
My Commission Expires: 09/15/2019

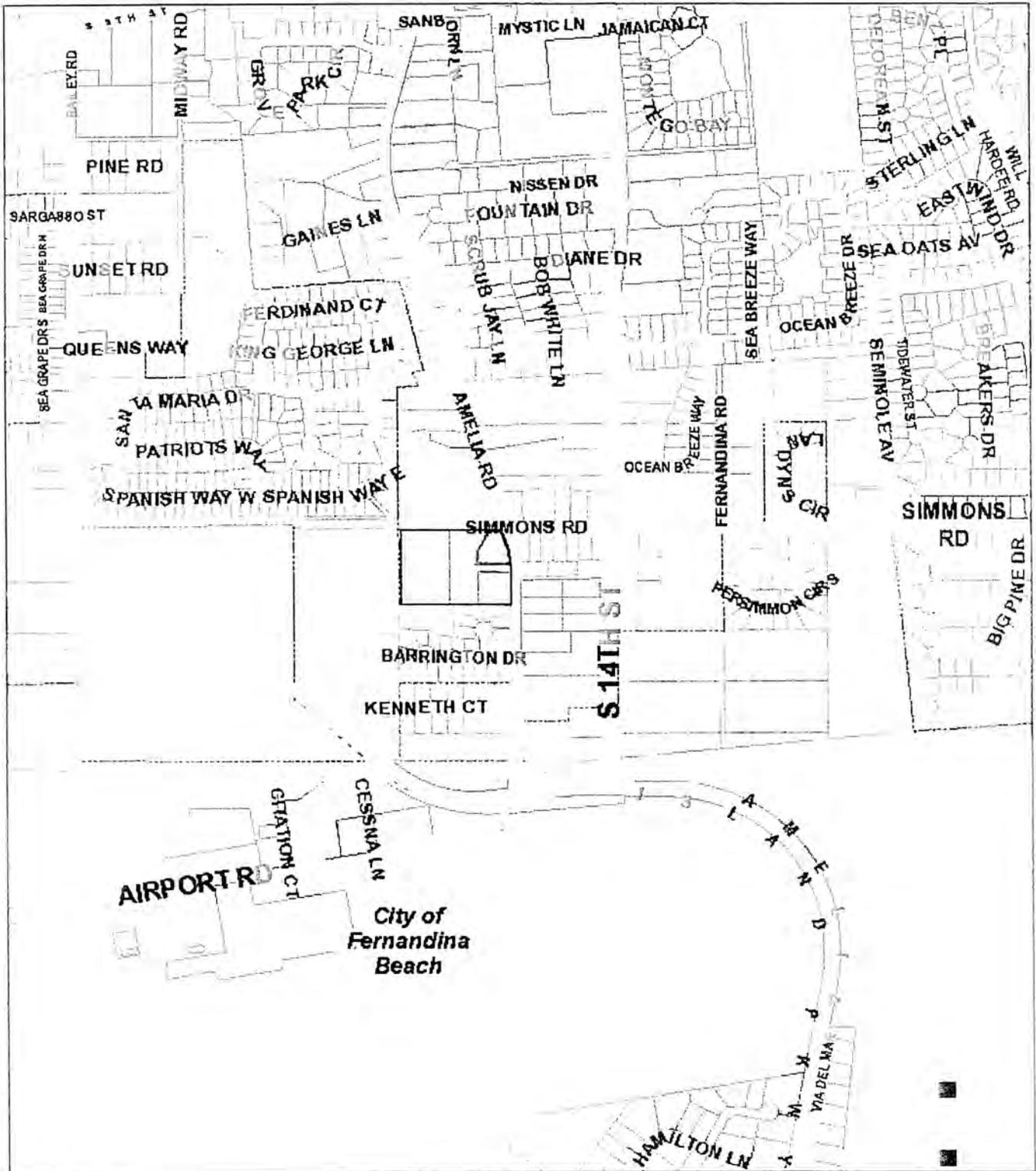
EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL "B"

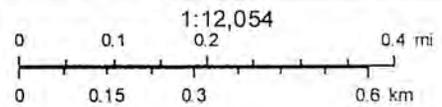
ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION 3, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, BEING PART OF LOT 28 OF OCEAN BREEZE FARMS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF SAID NASSAU COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF "BARRINGTON", ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 115 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 88°24'06" EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PLAT OF "BARRINGTON", 717.32 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, WHICH HAS AN EXISTING RIGHT-OF-WAY OF 50-FEET; THENCE THE FOLLOWING (2) COURSES ALONG SAID WESTERLY RIGHT-OF-WAY LINE: COURSE (1) - NORTH 01°35'54" EAST, 95.00 FEET; COURSE (2) - IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 02°01'05" WEST, 175.35 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE CONTINUE IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE IN SAID WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 10°16'22" WEST, 224.81 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SIMMONS ROAD, A 30-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 88°23'53" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 92.42 FEET; THENCE SOUTH 28°20'11" WEST, 151.77 FEET; THENCE SOUTH 01°35'54" WEST, 84.46 FEET; THENCE SOUTH 88°24'06" EAST, 206.94 FEET TO THE POINT OF BEGINNING.

Subject Property

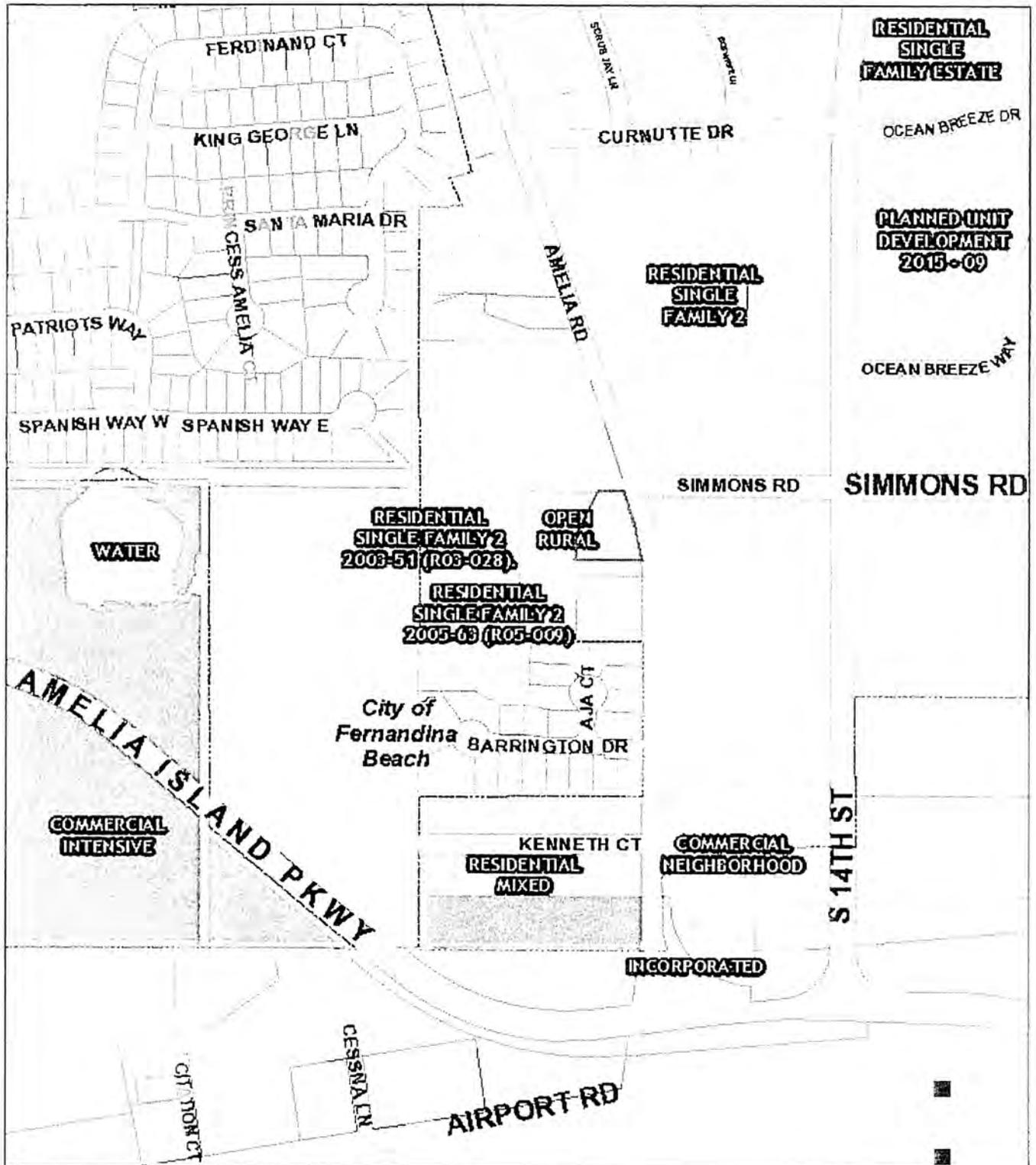


June 2, 2016

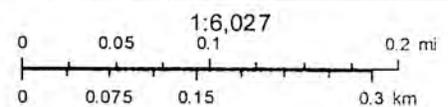


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Nassau County Zoning

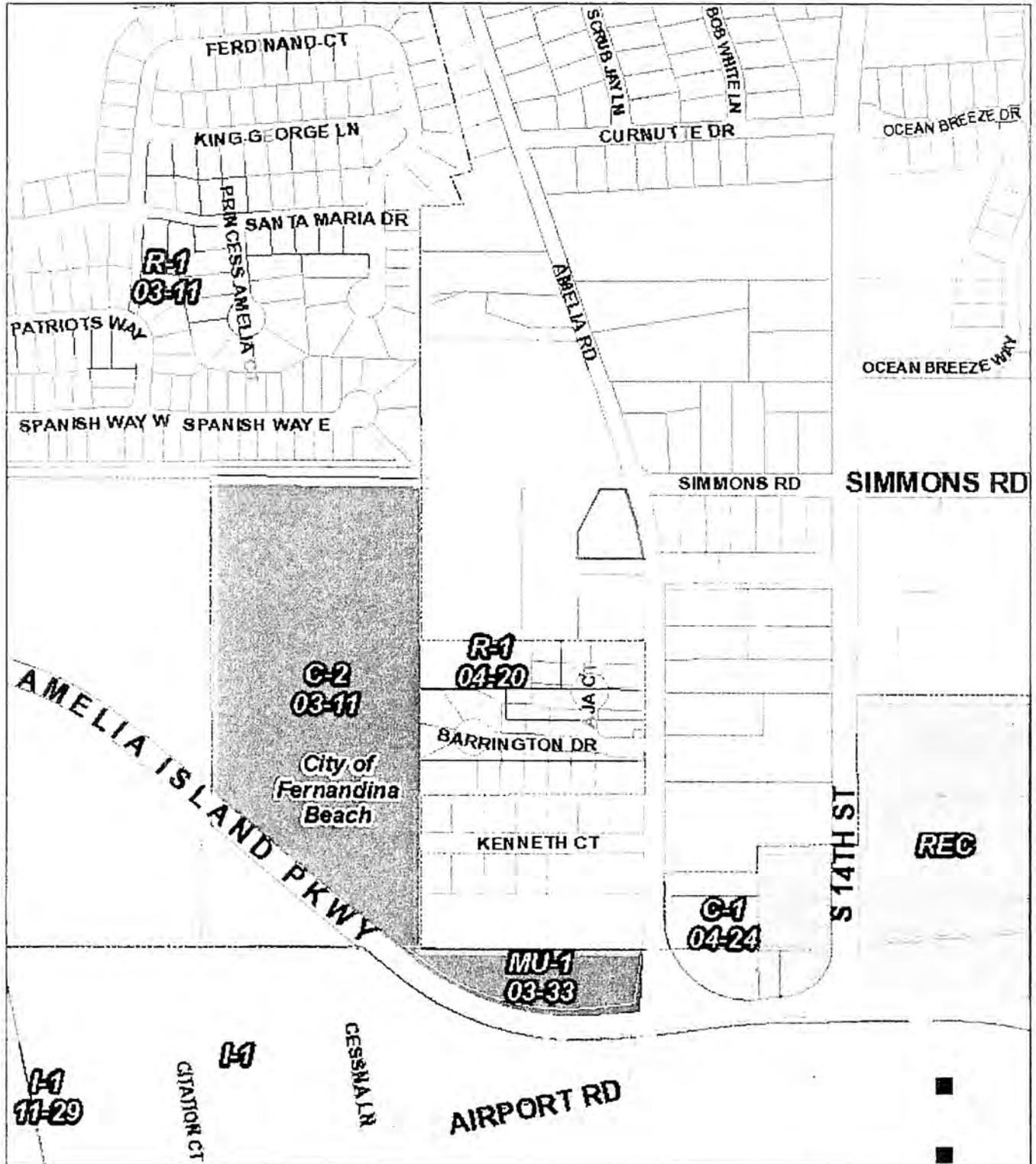


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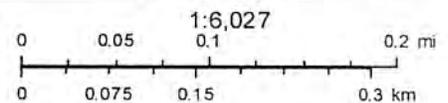
City of Fernandina Beach Zoning



June 2, 2016

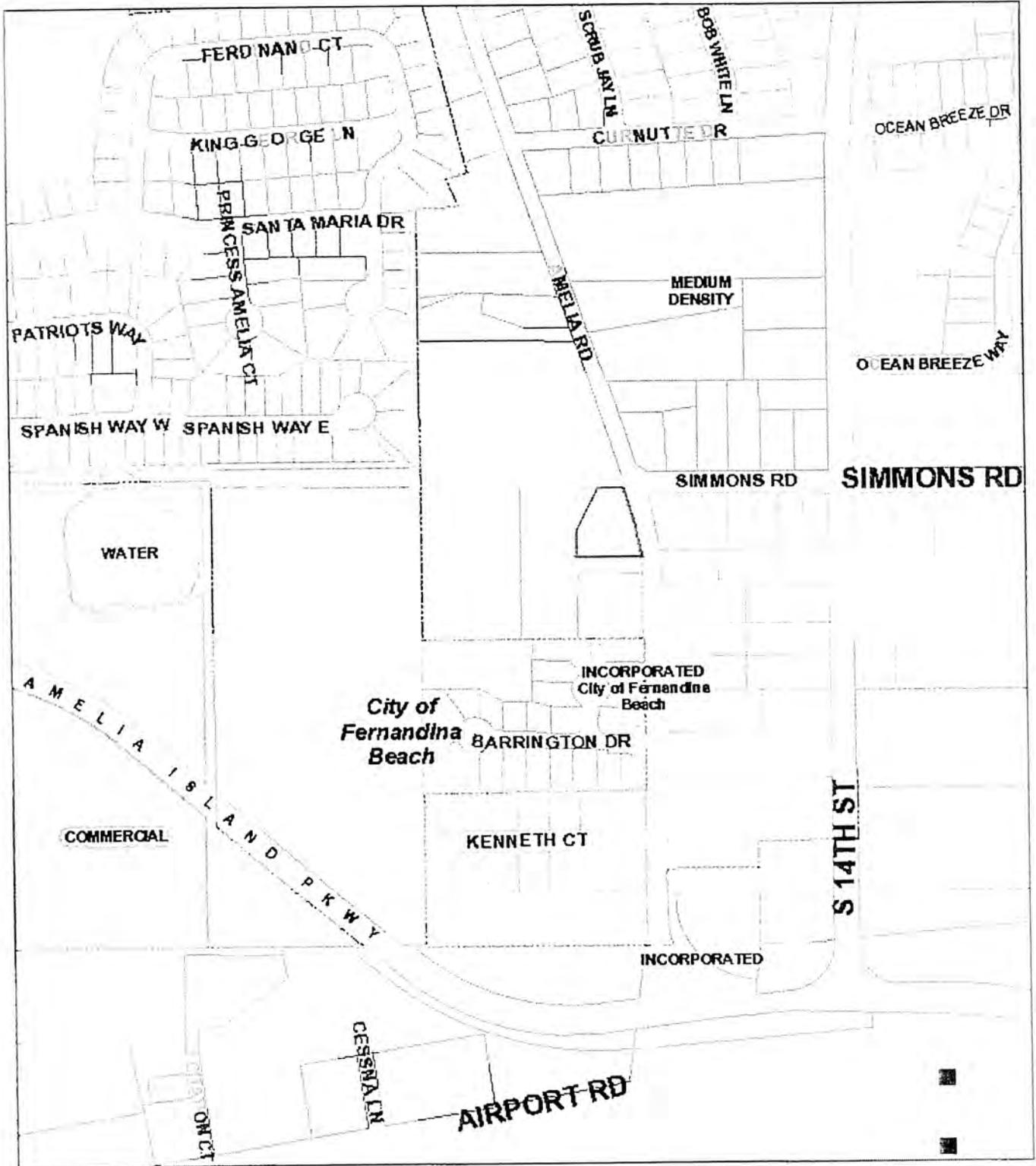
City of F.B. Zoning

—	C-1	—	R-1	—	R-1G	—	I-1
—	C-2	—	RLM	—	OT-1	—	IA
—	C-3	—	R-2	—	OT-2	—	PI-1
—	MU-1	—	R-3	—	W-1	—	CON
		—	RE	—	IW	—	REC

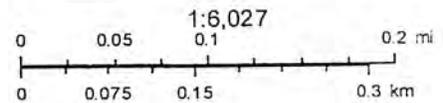


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Nassau County FLUM Designation

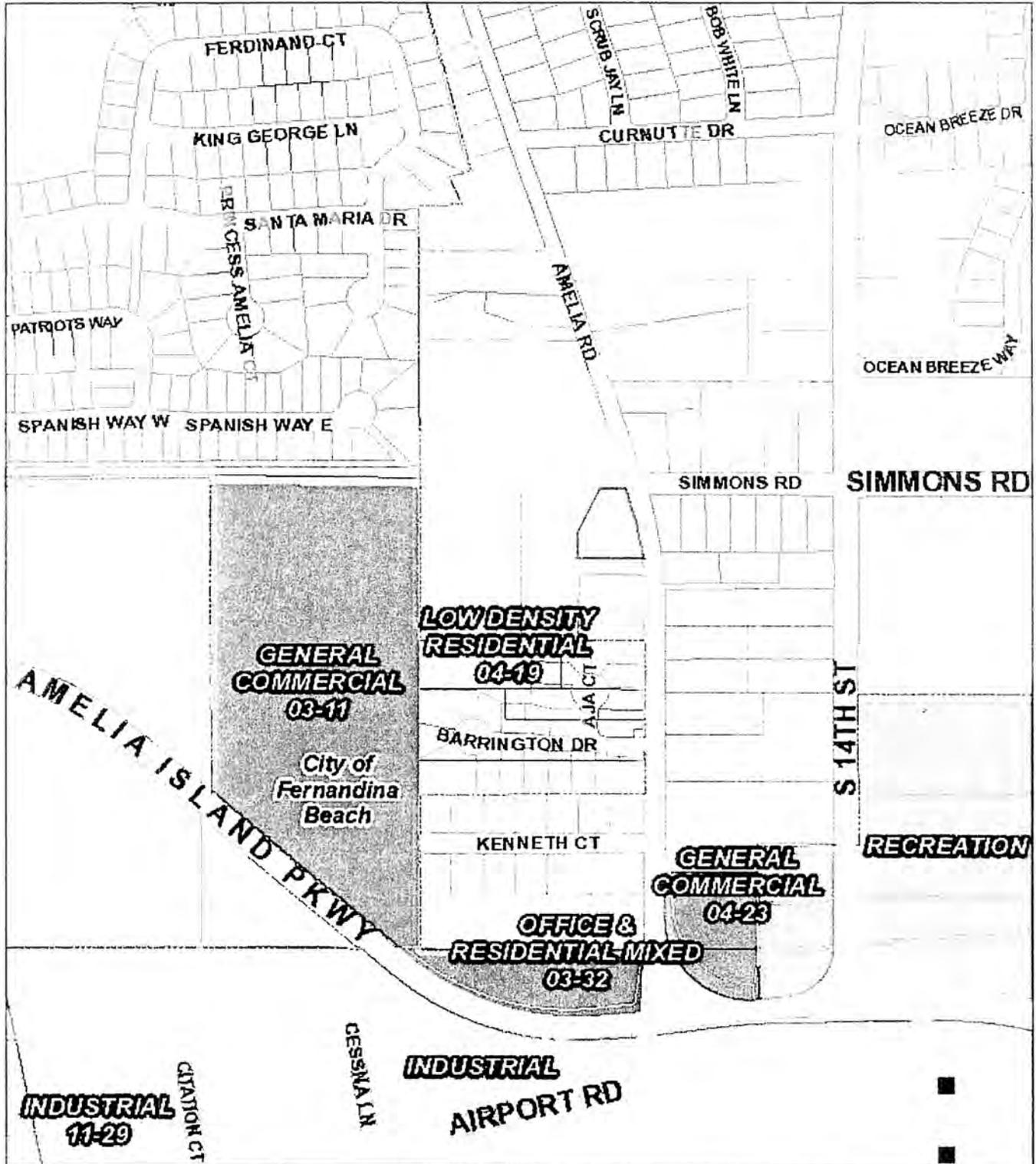


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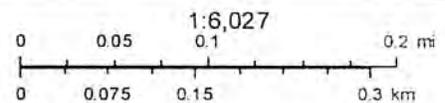
City of Fernandina Beach FLUM Designation



June 2, 2016

City of F.B. Future Land Use

- | | | | |
|-------|----------------------------|-------|-----------------------|
| ▬▬▬▬▬ | GENERAL COMMERCIAL | ▬▬▬▬▬ | WATERFRONT MIXED USE |
| ▬▬▬▬▬ | CENTRAL BUSINESS DISTRICT | ▬▬▬▬▬ | INDUSTRIAL |
| ▬▬▬▬▬ | OFFICE & RESIDENTIAL MIXED | ▬▬▬▬▬ | INDUSTRIAL WATERFRONT |
| ▬▬▬▬▬ | LOW DENSITY RESIDENTIAL | ▬▬▬▬▬ | PUBLIC & SEMI PUBLIC |
| ▬▬▬▬▬ | MEDIUM DENSITY RESIDENTIAL | ▬▬▬▬▬ | CONSERVATION |
| ▬▬▬▬▬ | HIGH DENSITY RESIDENTIAL | ▬▬▬▬▬ | RECREATION |



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1. **Call to Order** - The meeting was called to order at 5:02 pm.

Roll Call/Determination of Quorum

Board Members Present

Judith Lane, Chair

David Beal

Charles Rogers

Eric Lawrence (alternate)

Mark Bennett, Vice-Chair

Jon Lasserre

Chip Ross

Jamie Morrill (alternate)

Board Members Absent

Chris Occhuizzo

Others Present

Kelly Gibson, City Planner

Tammi Bach, City Attorney

Sylvie McCann, Recording Secretary

Member Morrill was seated as a voting member for this meeting due to the absence of Member Occhuizzo.

2.1 Review and Approve June 8, 2016 Regular Meeting Minutes – A motion was made by Member Ross, seconded by Member Lasserre, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

AGENDA CHANGE: Chair Lane requested item 5.1 the Sunshine Law overview be heard first on the agenda.

Sunshine Law Overview – City Attorney Bach briefly explained the Sunshine Law is comprised of two parts (public records act and the open meetings law). She stated anything related to the business of the board or foreseeably would come before the board including email, voicemail, or any type of medium is a public record. She pointed out board members are not to be emailing other board members, but there is an exception if the board member is sending out a memo as long as there is no reply. She explained if there is a reply then both members have violated the Sunshine Law. She referred to open meetings and stated you cannot meet with one other board member and discuss anything that could foreseeably come before the board for a vote. She also explained that a board member that attempts to use an intermediary (a person not on the board) to send a message to another board member and that message gets through then both members are in violation of the Sunshine Law. She clarified that ex parte communications are only valid for quasi-judicial boards. She stated if the board was doing zoning hearings where you act as a quasi-judicial body that would make sense, but that was done at the City Commission level. She explained she would periodically remind staff and board members of the Sunshine Law.

Member Beal noted Mr. Lasserre has three cases before the board tonight. He questioned if he had talked with Mr. Lasserre about one of the cases, since Mr. Lasserre was recusing himself was that ok. City Attorney Bach replied that is not a Sunshine Law violation, because the two members are not going to participate in the same vote. She reminded the board that she was available if they had any questions. There was a brief discussion about the information that board members receive about any upcoming cases, and it was noted that information should be shared with staff to disseminate to the rest of the board.

Member Lasserre recused himself at this time and Member Lawrence was seated as a voting member. City Attorney Bach reminded Member Lasserre to fill out the voting conflict form, which is filed with the City Clerk's office.

3. New Business

3.1. PAB 2016-16 - PHOENIX INVESTMENTS, LLC, JOHN ROBAS STREET & FIRST AVENUE - ZONING MAP AMENDMENT - (PAB 2016-16), REQUEST ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM MEDIUM INTENSITY COMMERCIAL TO HIGH DENSITY RESIDENTIAL

Ms. Gibson pointed out the staff report was part of the public record. She stated PAB 2016-16 was a land use and zoning case for property located at the corner of First Avenue and John Robas (.38 acres of land) to move from General Commercial land use and C-1 zoning to High Density Residential land use and R-3 zoning designation. She explained the property previously requested the same land use and zoning in 2004 with the intent to develop three townhome units. She commented for whatever reason the applicant did not proceed with those changes so the property was back today requesting the same thing. She stated the difference today was there is no special use requirement that would come before the PAB. She explained a multi-family project or townhome style development would come through the City's Technical Review Committee (TRC), receive a local development order, and then be able to move forward. She provided further details from the staff report including that staff's recommendation was approval.

Member Ross referred to Section 12 of the Comprehensive Plan (economic development) and read "protect existing land designation for employment generating uses....." He questioned why the City was taking commercial land and turning it into residential land, which seems to be opposed to this economic development element of the Comprehensive Plan. Ms. Gibson replied it is a private applicant driven text amendment. She stated she found given that the surrounding area is a resort rental type of use that the property can generate jobs and continue to support that area. The board reviewed an aerial of the property in question. It was noted if this had gone through the City Commission for approval in the past and they just didn't develop the property they would have had the land use and zoning tied to the property.

Mr. Jon Lasserre, agent for the applicant, referred to Section 12 and noted it refers to job opportunity areas. He expressed his opinion that it was not applicable in this case. He stated his client's family assembled the property at 1940 South Fletcher and the two vacant parcels south of it over a time period from 1999 until two were sold in 2013. He commented in 2004/2005 his client and the City were engaged in a lawsuit over the lack of ability to develop the oceanfront, and part of the settlement was this parcel could be used as overflow parking for the oceanfront property. He explained the reason Mr. Kuitens stopped going forward on the R-3 application with the City Commission was to maintain Commercial so it could be paved in terms of a parking lot. He stated since the two oceanfront properties were sold in 2013 that was no longer necessary, and now Mr. Kuitens was seeking to return something that is more compatible. Member Morrill inquired if anything has to be done in relation to the legal settlement. Mr. Lasserre replied he was not building on that property, and he believed the selling of the property severed that settlement agreement. Chair Lane inquired about the size of this property. Mr. Lasserre replied .38 acres. It was noted there would be enough room for three units with parking onsite.

Member Ross noted the Nassau County Economic Development Board (NCEDB) has talked about a diversified tax base and they promote having commercial development to diversify the tax base. He stated this was taking commercial land and turning it into residential land. He questioned how this was

promoting a diversified tax base. Mr. Lasserre referred to the surrounding area and the residential development that has already taken place south of it and pointed out the parcel is small for one standalone commercial development. He commented this property has been for sale for the last 15 years as commercial property and it hasn't sold. He explained three residential units appear to more in keeping with the neighborhood than a hotel or a restaurant or a parking lot. There was a brief discussion about the surrounding uses.

The public hearing was opened at this time.

Mr. Ray Anderson, 2162 First Avenue, questioned the implication of non-conforming for those other residences. Ms. Gibson replied they are currently a grandfathered use, which is allowed to continue as long as that use does not lapse for a period greater than 180 days. Chair Lane inquired about when the property is sold. Ms. Gibson replied a property may be sold that is non-conforming and continue to maintain the same non-conforming use status as long as it remains occupied and within that same use. Mr. Anderson inquired if the intent of the development was to be used as vacation rental properties or residences. Ms. Gibson explained there is no requirement per the application process to make any decision about future development. She stated the owner determined after this has been on the market for a period of time under general commercial status and it was not selling so they felt it was in their best interest to convert it to a residential land use to sell the property. She commented short-term rental was permissible under the R-3 zoning. Mr. Anderson expressed his concern that the other residences on South Fletcher have vacation rentals and the neighborhood takes on a different aspect.

Member Beal questioned if the three properties to the south could be bought and operated as a commercial property. Ms. Gibson replied yes as a lodging accommodation. She pointed out there would be aspects if you were to operate as a lodging accommodation that would not be conforming because you would not have a hotel lobby unless it was associated through some other hotel. Member Beal inquired if it could be any other use within C-1. Ms. Gibson replied yes any other use within C-1. There was a brief discussion about this and that if the property was vacated and shut off utilities for greater than 180 days the nonconforming use would no longer be available and the property would have to be used as commercial space.

Ms. Patti Roberts, 2172 First Avenue, commented that over 60% of that end of First Avenue was owner occupied and there are very few long term rentals. She stated the idea of short term rental was like a new party every week, and that is not fun when it is in your neighborhood. She explained during a holiday weekend or a busy time the parking lot behind Dairy Queen is full. She pointed out she didn't have a problem if they were asking for R-1, because then someone would be building a house on that corner. She expressed her concern with R-3 to have short-term rental and traffic in the area.

Mr. Howard Neidig, 2786 Robert Oliver Avenue, explained his daughter lives at 2218 B First Avenue and concurred with the previous speaker. He explained weekly rental seems contrary to the other homes in that area.

Mr. Lasserre pointed out the zoning to the south of this and this property could be used like the Beach Club is over on South Fletcher or create a lodging accommodation. He explained they were talking about three units not a hotel or a condominium complex. He stated his client hasn't identified if he intends to build townhomes or rent them short term or long term. He pointed out the requested density would allow three units, and the property was twice the size of the two townhomes south of it. He commented the question is about the ability to do short-term rentals. He explained the problem with R-1 with one big house is that nobody wants to live next to fire station. He provided further comments in support of the

requested amendment including it was in keeping with good planning to go from commercial to high density residential to medium density residential to single family residential.

Member Lawrence inquired about subdividing the property into three lots and making them R-2. Ms. Gibson stated you have a minimum lot width in R-2 of 50 feet. After some discussion about the idea of subdividing the property, Member Ross briefly expressed his opposition to the request since it was turning commercial land into residential land and he was also opposed to the R-3 density. Member Beal briefly commented he thought it was a good transitional use from the commercial. There was some discussion about step down zoning/transitional zoning.

Mr. Anderson questioned step down zoning and where the character was changing and how that was connected to this request. Mr. Lasserre explained a change was put into effect in 1999 that limited short term rentals to only the R-3 zoning district, and you could only maintain your resort rental permit if you were grandfathered in and you continued with that use. He stated that was the reason you have a myriad of homes along South Fletcher that have the short-term rental ability. He pointed out since then there have been four new hotels built in the last 5+ years, but 10 years ago there weren't five hotels within a half mile of this property. He commented that has created the amount of traffic that is now at Sadler Road and South Fletcher. He briefly explained the change of the businesses in the area (Sliders, Hammerhead, etc.) He referred to step down zoning and stated the highlighted lot was the second application before the board. He briefly explained the idea of stepping down from commercial to the residential zoning. There was further discussion about step down zoning and keeping in mind the existing uses in the area. It was pointed out that R-2 was also a step down from commercial.

Ms. Gibson explained she ran a density calculation on the adjoining properties, and if the townhomes could be changed to R-2. She stated because of their narrow size they just meet the minimum for R-3 zoning standards (4,356 square feet of land area) to support that one unit. She pointed out the City would have to apply high density residential R-3 zoning status to those properties in order to make them conforming. There was further discussion and deliberation about the request before the board.

The public hearing was closed at this time. *A motion was made by Member Ross, seconded by Member Lawrence, to deny PAB 2016-16 to the City Commission requesting a Future Land Use Map (FLUM) assignment to High Density Residential and zoning change to R-3 from General Commercial Use and C-1 as described in PAB 2016-16 as presented is not sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time.* Member Ross inquired if the denial fails then the board would have to come up with a new motion to approve. City Attorney Bach replied correct. *Vote upon passage of the motion was taken by ayes and nays and was as follows:*

<i>Member Rogers:</i>	<i>Nay</i>
<i>Member Beal:</i>	<i>Nay</i>
<i>Member Ross:</i>	<i>Aye</i>
<i>Member Lawrence:</i>	<i>Aye</i>
<i>Member Morrill:</i>	<i>Nay</i>
<i>Member Bennett:</i>	<i>Nay</i>
<i>Chair Lane:</i>	<i>Nay</i>

Motion failed.

A motion was made by Member Morrill, seconded by Member Rogers, to approved PAB 2016-16 to the City Commission requesting a Future Land Use Map assignment of High Density Residential

and zoning change to R-3 from General Commercial Land Use and C-1 as described; and that PAB 2016-16 as presented is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Nay
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.2. PAB 2016-17 - FRANK D. KUITEMS, 1940 S. FLETCHER AVENUE - ZONING MAP AMENDMENT - (PAB 2016-17), ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL.

Ms. Gibson explained this parcel totals roughly .41 acres and was currently operating as a nonconforming land use. She stated at present it has a long term rental occupied at the property, and it was a duplex. She pointed out the request was the assignment of high density residential land use and R-3 zoning. She commented the intent was to maintain its current nonconforming status and remove that nonconformity. She explained there were no development plans associated with the property. She stated directly across the street and directly north of the property are high density residential zoning and adjacent to it is commercially zoned property that are resort style in nature. She reported upon review of consistency of the request staff recommends approval.

Member Ross inquired when the duplex was built how did it get zoned commercial. Ms. Gibson replied it may have been built prior to the current zoning was in place (1971). She commented through the digitizing of maps this property may have been overlooked and zoned commercial or the City may have wanted to see it be commercially developed. She explained with the development surrounding this property it was logical that an R-3 zoned district would be appropriate for this property.

Mr. Jon Lasserre, agent for the applicant, explained his grandparents purchased this property in 1973 and he grew up here until it was sold in 1999. He stated it was zoned commercial because the City wanted that whole area to go commercial. He concurred with staff and commented this was clearly a prime example of transitional zoning.

Member Ross inquired why the applicant was opposed to keeping it commercial. Mr. Lasserre explained when they bought it they intended to assemble the three lots with 215 feet on the oceanfront to build a hotel. He stated since then they sold two lots for the development of a hotel and were now seeking R-3 for this parcel. He pointed out this has been residential use since 1971 and the intent was to keep it as residential use. Member Beal pointed out that this property could not be assembled with the commercial property to south due to the prohibition of assembling more than 100 feet. He stated this would have to be a standalone commercial site. Mr. Lasserre replied correct and explained that was why the assemblage didn't work.

The public hearing was opened at this time and there being no comments from the floor the public hearing was closed. Member Ross again expressed his opposition to turning commercial property into residential. **A motion was made by Member Beal, seconded by Member Rogers, to recommend approval of PAB 2016-17 to the City Commission requesting a Future Land Use Map assignment of High Density Residential and zoning change to R-3 from General Commercial land use and C-1 zoning as described; and that PAB 2016-17 as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

- Member Bennett:** Aye
- Member Morrill:** Aye
- Member Lawrence:** Aye
- Member Ross:** Nay
- Member Beal:** Aye
- Member Rogers:** Aye
- Chair Lane:** Aye

Motion carried.

3.3. PAB 2016-18 - THE ASPIRE AT AMELIA II, LLC, 3017 & 3021 AMELIA ROAD - ZONING MAP AMENDMENT + LAND USE MAP AMENDMENT + VOLUNTARY ANNEXATION - REQUEST FOR VOLUNTARY ANNEXATION INTO THE CITY OF FERNANDINA BEACH, ASSIGNMENT OF A FUTURE LAND USE CATEGORY OF MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL LOW-MEDIUM (RLM) ZONING

Ms. Gibson explained this request was for a voluntary annexation of roughly 7.91 acres of land located at Simmons Road and Amelia Road. She stated the property has two single family homes and pasture land. She pointed out the Nassau County land use and zoning carries an Open Rural designation and RS-2. She explained the request was for Medium Density Residential land use designation with a Residential Low-Medium zoning designation, which was consistent with the surrounding area of that property. She pointed out the property was recently purchased by Aspire at Amelia to be part of a complex of uses that would be an assisted living facility, while the property would be a standard single family subdivision site that will have access to the assisted living facility amenities on the adjacent property. She explained the request was consistent with Comprehensive Plan policies with respect to its public facilities, and was consistent with the Land Development Code. She stated the annexation would not represent an enclave and was a logical extension of the City's boundary.

Member Ross questioned if the current zoning was Open Rural. Ms. Gibson replied a portion of the property is (4.14 acres). Member Ross referred to the total units that could currently be put on that property and explained the answer was one per acre. He questioned how many units would be able to be put here. Ms. Gibson replied a maximum of 65 units. There was some discussion about this request noting the need to annex was to receive City water and sewer. The assisted living facility would be located directly behind it to the west.

Mr. Lasserre, agent for the applicant, introduced Mr. David Hink and Mr. Bruce Jasinsky with Aspire Development. He explained Open Rural allows one per acre, and there was no comparable City zoning. He stated they were going from medium density in the County to medium density in the City. He referred to the zoning of 8 units per acre and noted that was with Medium Density Residential in the City. He pointed out Residential Low-Medium was 6 units per acre. He explained due to the characteristics and

layout of the property the maximum units was in the 30 range given a 50 foot wide lot. He stated this request was standalone to be annexed into the City with appropriate zoning and FLUM designation. He pointed out the intent was to tie together this project with the adjoining C-2 project. He clarified there was no intention to make this the assisted living facility, because it would be single family homes for sale. He briefly provided a comparison with Osprey Village that has single family detached homes. It was noted there weren't many trees on this property, but once annexed the City's Tree Ordinance would apply to the project. The board noted with RS-2 it was about 3 units per acre and there were 3.77 acres under the RS-2 zoning. Member Ross noted 18 units would be allowed under the current County zoning.

Chair Lane inquired if the C-2 property would be owned by the same development. She noted that Osprey Village and those in Jacksonville are owned by the same group. She commented people own their private home, but they buy into that assisted living. Mr. Lasserre deferred to the developer and stated they are related entities with one for sale and one is not. Chair Lane questioned staff if the board would see the platting for the C-2 part. Ms. Gibson replied there is no platting associated with commercial development. Member Lawrence inquired if the single family homes would be sold with restrictive covenants of some type that tie them to the commercial property. Mr. Lasserre stated they would share amenities. There was a brief discussion about this.

The public hearing was opened at this time.

Ms. Marilyn Baggett, 820 Simmons Road, pointed out she also owns a home on Spanish Way. She explained they have an access gate where they can leave the subdivision and go along trail which has many trees. She pointed out on the map where there were entrances for the two single family homes. She expressed her concern with 40 units in this area and the increase to traffic from this area that currently only has two driveways. She stated this area is currently in the County with a lot of trees, and commented that would be a lot of traffic added to a small rural road. She provided further comments expressing her concern with the number of people coming in and out of that area.

Chair Lane inquired about the model for this subdivision. Mr. David Hink replied their model was either age restricted or age targeted. He explained the residents are looking for a broader place in the community and they are looking for the services, which was why they thought these homes would add value over other homes. Member Morrill inquired if there would be any covenants or deed restrictions. Mr. Hink replied absolutely and stated those haven't been put together yet. He explained they would be deed restricted in the type of landscaping, frontage, type of roof, limited character so they match together, etc. He commented it would be like a Homeowners Association (HOA) that has a clubhouse. He explained on the other parcel they are developing a large clubhouse for the members for the independent living participants as well as the assisted living participants. He stated the HOA monthly fee would be for maintenance of the exterior landscape and for privileges to use the dining and other facilities on the main campus.

Member Ross questioned if hypothetically they don't go forward with this project how many units could be placed on this property. Ms. Gibson stated she would give the board an exact figure momentarily and reminded the board Mr. Lasserre pointed out the zoning code restricts through the RLM zoning district to 6 units per acre. Member Ross noted in that area there are single family homes on big lots and questioned how this would fit in with that. Mr. Hink stated their interest was for single family homes in there, which would be supportive of the larger community. Member Ross commented those single family homes would be on much smaller parcels than what is in the neighborhood. Mr. Lasserre explained the Barrington subdivision has 23 lots and was approximately the same size as this property where they were talking about 30 so it was quite comparable. He referred to the surrounding property and stated they are

not departing dramatically from the character of the area. There was further discussion about this request and it was noted that it would annex immediately because it was contiguous to the City and would be under the City's Tree Ordinance and other ordinances. City Attorney Bach briefly explained when a property is annexed you have to assign a City zoning category.

Mr. Lasserre stated they were applying to be annexed and at the same time they were asking for a FLUM designation and zoning. Member Ross requested clarification of the annexation process. Ms. Gibson explained when someone comes to the City with a request to be annexed one of the things the City looks at is to find out if that property is contiguous to the City limits. She stated this property is contiguous so the City was requesting a voluntary annexation, because with them coming into the City now there was no need for an annexation agreement. There was further discussion to clarify the annexation process, and Ms. Gibson explained that with the RLM zoning at 6 units per acre including public rights-of-way you could have up to 52 units total. She pointed out this project would come back before the board for preliminary and final plat. She explained the board would see the streets and the layout of the lots at some point in the future because this will follow a subdivision process. Member Ross inquired if it was R-1 how many units could be built. Ms. Gibson replied 34 units and there was the minimum lot width of 75 feet.

Mr. Michael Waskew, 3105 Aja Court, explained his property abuts this land. He commented this was sticking in a higher density between two lower densities of housing, which makes no sense to him. He stated reading the zoning designation not only does it allow single family houses, but allows townhouses, duplexes, and triplexes. He noted this would allow for great flexibility in developing the property. He referred to Osprey Village and pointed out you can't resell your property except to Osprey Village. He noted that once this property is rezoned it is rezoned. He explained he was pleased to hear single family was proposed, and suggested that it be made 75 foot lots. He commented the neighbors would like to maintain the nature of the existing neighborhood. He pointed out there are wetlands on the commercial parcel directly behind his property, and whatever development is done will create runoff. He expressed his concern about the impact to their retention pond. He provided further comments about the proposed project and expressed his hope that the development understands that the neighbors want the zoning to reflect what they have now.

Mr. Tom Martin 3136 Aja Court, expressed his concern about the traffic because there is already a lot of traffic on Amelia Road. He commented adding another entryway was going to cause even more traffic. He explained he didn't see a big difference if R-1 restricts what can be built and is a 75 foot lot size, because he thought that was in keeping with what his subdivision has. He also expressed his concern about what happens to Barrington's retention pond when there is runoff from 30+ homes.

Member Bennett noted if they build this they would have to have their own retention. Mr. Lasserre stated the developer cannot tie into Barrington's retention pond without their consent. He pointed out there would be onsite retention on this property as well as the commercial property and be designed as to where the water would go if it were to overflow. He explained they were aware of the drainage in the area and it would have to be permitted through the St. Johns River Water Management District (SJRWMD). He stated although Medium Density Residential does allow single, duplex, triplexes, and condominiums the requested zoning, RLM only allows single family. He pointed out single family was the only housing type under RLM. He referred to the concerns about commercial traffic and commented it was not reasonable to take a commercial truck for the assisted living facility down Amelia Road. He stated there would be a major entryway through Amelia Island Parkway. Ms. Gibson explained the staff report points out the requirements for permitting for a subdivision and read a portion into the record. She referred to the questions about the future of Simmons Road and stated she has been working with Nassau County

there was a proposed 10 foot paved multi-use path that would go along Simmons Road connecting the beaches at South Fletcher all the way to Bailey Road. Mr. Lasserre commented his client has been working on that multi-use path as well, and they intend to dedicate 15 feet along Bailey Road to facilitate that path as well as land along Amelia Island Parkway. There was some discussion about the multi-use trail.

Member Ross questioned the choices with the zoning associated with this annexation. City Attorney Bach replied usually the choices are to keep it in line with what the County zoning is. It was noted there was not comparable zoning to Open Rural in the City. Member Ross inquired about the choices. Ms. Gibson replied the most reasonable fit was Medium Density Residential and RLM zoning. Member Ross argued that R-1 is the most comparable to Open Rural.

Ms. Lauree Hemke, 751 Barrington Drive, expressed her concern with the proposed zoning. She stated she didn't see why the zoning cannot be the same as Barrington or comparable. She also expressed her concern that if approved people would build at a higher density and she was concerned with the wetlands as well as the greenery around the property. She stated she didn't have a lot of faith in developers that say they are going to protect the trees. She explained she was also concerned with the roads and the traffic in the area.

Ms. Elsa Mitschele, 3105 Aja Court, pointed out currently there is a creek that runs along the entire proposed area and where she lives. She inquired about what would happen with that creek. She also inquired what they would do to differentiate that neighborhood from Barrington. Mr. Lasserre stated he was familiar with the wetland behind the Barrington subdivision on the Amelia Holdings property, which is in the City. He pointed out wetland property in the City cannot be touched, and would be protected by the City's regulations. He referred to trees and reported they would abide by the Tree Ordinance. He pointed out transitional zoning is important and there are a lot of uses under C-2 so this property would be stepping down the zoning. He clarified it was going from Intensive Commercial to Low to Medium Density to allow the development of this particular site. Chair Lane suggested the developer work with the Tree Conservancy in their planning. There was a brief discussion about this.

Ms. Mary Pitcher, 3116 Amelia Road, pointed out Amelia Road is a very narrow road with no shoulders. She stated she did not have any objection to any of this or the zoning with the exception of any entry or exit onto Amelia Road other than what is currently there. She suggested that the major entrance be off Amelia Island Parkway and no entry or exit onto Amelia Road.

Ms. Melinda Signorella, 3117 Aja Court, explained her house backs up to the retention pond and if there is no type of wall securing the area between their property and Barrington's pond she was concerned about the liability with that pond. She commented senior citizens could stumble out and fall into the pond. She questioned how this would be tying into Amelia Island Parkway, because she didn't want that to back up to her property either. Mr. Lasserre noted the concerns and explained they have to have a secondary access for the project. He pointed out that would be taken care of at the Technical Review Committee level. He stated the only logical entrance for heavy traffic would be from Amelia Island Parkway not from Amelia Road. He explained this was a logical move from C-2 to an area that is developing and growing. He pointed out there are three driveways along Amelia Island Parkway accessing two homes and a farm, and that would be reduced to one. He referred to the liability of the pond and explained each homeowners association would be responsible to be sure they are not negligent in maintenance and securing its border.

Mr. Dwight Ingram, 3135 Aja Court, expressed his concern about traffic congestion at Simmons and Amelia Road as well as over at 14th Street. He also expressed concern about the secondary access to the property onto Amelia Road. Mr. Lasserre explained the previous owner divided the property in this manner and the platting would come back to the board for approval. He pointed out that was not necessarily where the entrance would be.

Member Lawrence commented if this were annexed without consideration of the adjacent property it could be a standalone subdivision so there would be that traffic in and out without the potential of tying into something and a secondary exit. He explained he was starting to see the advantages of this with how it was being put together as a package to help alleviate some of the issues. He pointed out they might want to give the opportunity to people in Barrington to join the club, because it was really the same demographic. He questioned if the project was financially feasible as an R-1 project. Mr. Bruce Jasinsky, 645 Gaines Lane, explained they are trying to create a product where people were more than likely wouldn't be taking children to school every morning and would more than likely dine it at the facility. He stated these people are going to be less mobile than what a typical subdivision would be. He commented a typical R-1 subdivision would create that much more traffic. He referred to the question of financially could you do a few less and stated financially is one issue but another is logistically. He pointed out how many senior facilities do you go to where there are big yards and big houses. He explained they are trying to create a controlled environment with smaller lots and smaller houses, because these people would be stepping down. He commented the preliminary work after all the City codes are put in under the RLM zoning they only get about 30 units. He provided further comments about this concept. There was further discussion about this case noting that with R-1 zoning there could be 34 units. Ms. Gibson briefly outlined the next steps for this annexation request, the assignment of a Future Land Use Map category, and zoning designation that would go before the City Commission as three separate Ordinances. She pointed out the board in the future would see a preliminary plat and final plat associated with the development of the subdivision. She stated this property would be treated as a standalone subdivision regardless of the association/affiliation it will have with the assisted living facility. The board continued its discussion with the applicant with regard to the zoning for this project.

Ms. Gibson provided a brief clarification about the Technical Review Committee (TRC) process which includes various City departments to review the initial site plan, which then would move forward with the process of a preliminary plat. She further explained the process of the project moving forward.

The board took a brief recess at this time.

Chair Lane polled the board about moving the Port Master Plan item to the August. After a brief discussion, *the consensus of the board was to postpone the Port Master Plan discussion item to August.*

Member Ross noted this property is going to be annexed and have some residential designation. He commented it was a matter of whether it was going to be R-1 or RLM.

Mr. Michael Waskew, 3105 Aja Court, commented the residential development part of this would be treated as a separate parcel not connected to the development of the commercial parcel. He noted the separate parcel requires two means of egress not through an adjacent property. He pointed out there would be an access on Amelia Road and one onto Simmons or two onto Amelia Road. He stated the 182 people that live on parcel C would increase the traffic onto Amelia Road. He explained he wasn't opposed to development, but they want to be sure the board hears the neighbors' concerns and address them upfront.

Mr. Lasserre questioned staff if there was anything in the code that would prohibit the second access coming through Amelia Island Parkway if it was a dedicated easement across private property. He referred to the concern of people leaving the assisted living facility to exit onto Amelia Road and explained a gate was intended to prohibit that. Ms. Gibson stated the vehicular section is 4.04.02(e) and read there should be at least two vehicular access points to an improved right-of-way. There was a brief discussion about this and it was noted the TRC has reviewed the preliminary application for the assisted living facility.

The public hearing was closed at this time. **A motion was made by Member Bennett, seconded by Member Morrill, to recommend approval of PAB 2016-18 to the City Commission requesting that a voluntary annexation to the City limits be approved assigning the Medium Density Residential land use and RLM zoning category as described in PAB 2016-18; and as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Rogers:	Aye
Member Beal:	Aye
Member Ross:	Nay
Member Lawrence:	Aye
Member Morrill:	Aye
Member Bennett:	Aye
Chair Lane:	Aye

Motion carried.

4. Comments by the public – There were no comments from the public at this time.

5. Board Business

5.1. Sunshine Law Overview – This was provided by the City Attorney at beginning of meeting after approval of Minutes.

5.2. Discuss Public Speaking Procedures – City Attorney Bach commented that the board has bylaws, and she couldn't remember if there was a speaker limit. Chair Lane noted in the past the board opened up the speaking and there were times where the board has said it would have to be limited to three minutes. She explained she had no intention of cutting people off. She questioned if the board wanted to handle this on a case by case basis. Member Bennett explained part of the board's job was to hear from the public. He stated he rather leave it on a case by case basis, because sometimes it takes a little longer so that the public understands. Member Beal agreed with case by case. He commented when there is a chamber full the board may have to limit people especially if they start saying the same things over and over. He explained when you are passionate about something to be limited to three minutes and you are the only person in the audience it angers you. Member Lasserre agreed with a case by case basis, and pointed out tonight there were a lot of people and they were respectful. There was some discussion and deliberation about the best way to proceed, and it was noted in the past the board has asked speakers to limit themselves. The board also noted when an item gets so emotional it takes away from it, because people stop looking at the facts.

City Attorney Bach commented in her experience taking a recess will diffuse an issue and it works well when people are emotional. Chair Lane noted people get emotional with change. City Attorney Bach suggested a time set for the hearing or having an end time to the board's meeting. Chair Lane stated she likes the mix of the board discussing things and then hearing from the applicant and questions can be asked about that. Member Lasserre commented he had to appear before Nassau County's Code Enforcement Board three times over the last three months, and they begin their meeting going over the procedure. There was further discussion about having a procedure and Chair Lane requested the board's thoughts be sent to the City Attorney.

5.3. Discuss Port Master Plan and Comprehensive Plan Inconsistencies for OHPA Review (Continued Discussion from June Meeting) – During item 3.3 the board was polled, and *the consensus was to postpone the Port Master Plan discussion item to August.*

Board Agenda Materials - Member Ross referred to the timing of getting the board's agenda materials and explained where he used to live ten days before was a cutoff date. He pointed out for the cases he goes through the material and visit the sites. He questioned if there was a way to get it at least a week ahead of time. Chair Lane pointed out the board used to get material earlier, but staff was inundated with a lot of stuff. Ms. Gibson replied the internal procedure was to get it to the board one week in advance, and over the last four years she has had to push it back to the Friday before so there is at least the weekend to review as well as the days leading up to the meeting. She reminded the board of the special meetings back to back and explained with her becoming ill she was unable to get the information to the board. There was a brief discussion about this and getting materials to the board in an earlier timeframe.

City Attorney Bach pointed out the advertising requirements are ten days before, which is days before an agenda is even posted. She explained if staff was running behind it would appear on the agenda because it has been advertised. She commented if the board felt it was not prepared a motion can be made to postpone until the next meeting. There was further discussion about this and it was noted it was also up to the board members to do independent research to make decisions on facts.

6. Staff Report – Ms. Gibson reported the American Planning Association (APA) has selected the City's Comprehensive Plan to be reviewed for best practices as part of their sustaining places initiative, and for consideration as a pilot program to help with other small towns and communities. She explained she would receive more feedback about that later this year. She pointed out the City has a couple new brochures that an intern worked on (citizen's guide to tree and landscape requirements and bicycle safety).

The next regular Planning Advisory Board Meeting would be July 13th.

7. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:29 pm.

Secretary

Judith Lane, Chair

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Ordinance 2016-26**
 Zoning Map Amendment - 3017 and 3021 Amelia Road

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **Approve Ordinance 2016-26 at First Reading.**

SYNOPSIS: The applicant, Aspire at Amelia II, LLC, has requested a voluntary annexation, assignment of the Medium Density Residential (MDR) land use, and RLM (Residential Low-Medium) zoning designation. The action is requested in order to gain access to the City's water and sewer services. The property is currently contiguous to the municipal limits on its southern and western borders. The applicant intends to build a single family home subdivision.

The proposed Medium Density Residential land use and RLM (Residential Low-Medium) zoning designations for these properties are generally consistent with the Nassau County zoning and land uses currently assigned to them given the detached single family home sites which surround the property. Uses permissible under the proposed zoning categories are provided in Table 2.03.02 of the Land Development Code. The RLM zoning district requested with this application will limit development to exclusively single-family homes.

Staff has issued a recommendation of approval. The Planning Advisory Board considered the requested Zoning Change at its Regular Meeting on July 13, 2016, and issued a recommendation of approval.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.)

2016/2017 CITY COMMISSION GOALS: Beach Safety Alachua Street
 (As approved by Resolution 2016-51) Soccer Field Lighting Stormwater
 Downtown Density Opportunity
 ADA Improvements Departmental
 Consideration

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2016-26 at First Reading.

DEPARTMENT DIRECTOR	Submitted by: Marshall McCrary, CDD Director	<i>[Signature]</i>	Date: 7/29/16
CONTROLLER	Approved as to Budget Compliance	<i>[Signature]</i>	Date: 8/3/16
CITY ATTORNEY	Approved as to Form and Legality	<i>[Signature]</i>	Date: 8/3/16
CITY MANAGER	Approved Agenda Item for 8/16/16	<i>[Signature]</i>	Date: 8/2/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

ORDINANCE 2016-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP TO RESIDENTIAL LOW MEDIUM (RLM) FOR PROPERTY LOCATED AT 3017 AND 3021 AMELIA ROAD, TOTALING APPROXIMATELY 7.91 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the Zoning Map Change application number PAB 2016-18 at its July 13, 2016, meeting and recommended approval of the change to Residential Low Medium (RLM); and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on June 29, 2016.

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

SECTION 1. PROPERTY INVOLVED. The properties identified for this change of the Zoning Map is located at 3017 and 3021 Amelia Road and identified as Parcel ID # 00-00-30-044B-0028-0010, 00-00-30-044B-0028-0012, and 00-00-30-044B-0028-0014, totaling approximately 7.91 acres, and is shown on the map attached hereto as Exhibit "A".

SECTION 2. ZONING MAP CHANGE. For the property in question, the City's Zoning Map is hereby changed to Residential Low Medium (RLM).

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

ADOPTED this 20th day of September, 2016.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

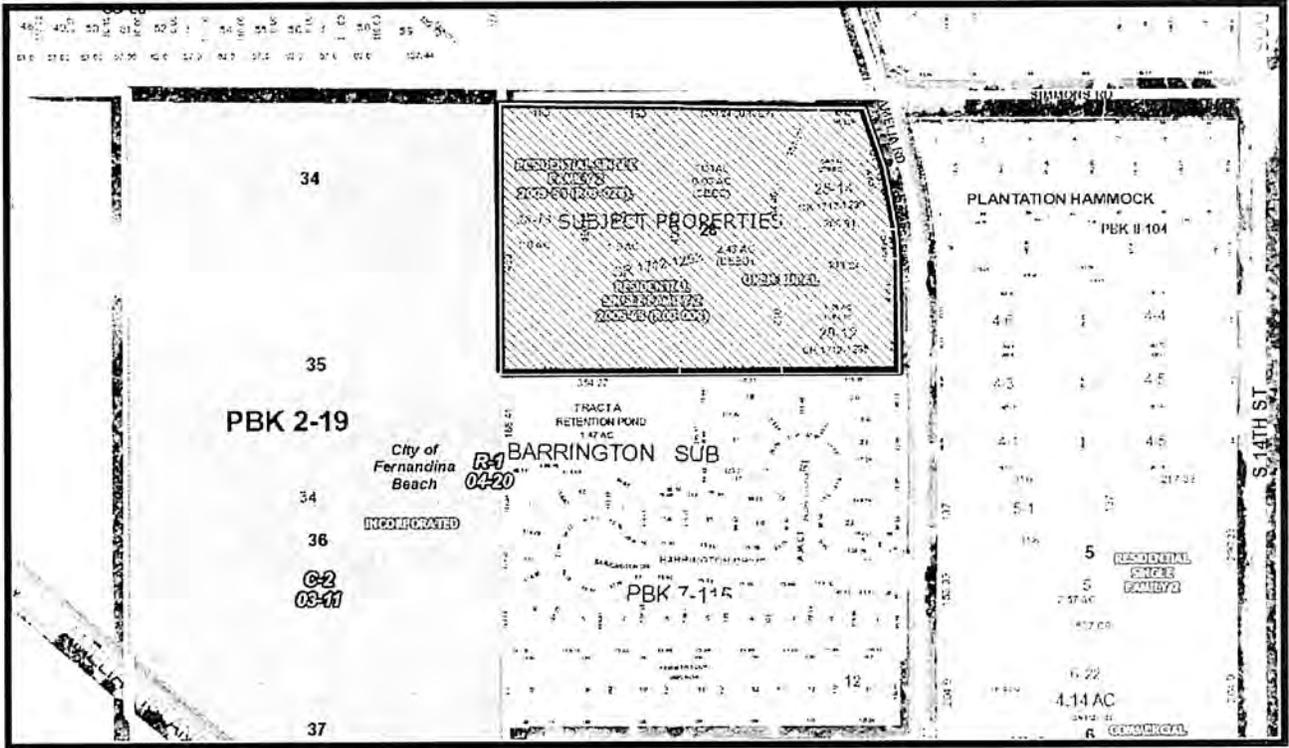


TAMMI E. BACH
City Attorney

CAROLINE BEST
City Clerk

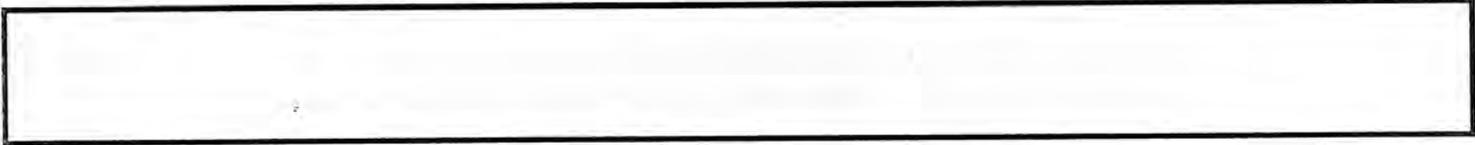
ORDINANCE 2016-26 EXHIBIT "A"

THE ASPIRE AT AMELIA II, LLC, (PAB CASE 2016-18), ZONING MAP CHANGE TO LOW-MEDIUM RESIDENTIAL (RLM) FROM NASSAU COUNTY OPEN RURAL (OR) AND RESIDENTIAL SINGLE FAMILY 2 (RS-2) AND IDENTIFIED BY PARCEL NUMBERS 00-00-30-044B-0028-0010, 00-00-30-044B-0028-0012, AND 00-00-30-044B-0028-0014, TOTALING 7.91 ACRES OF LAND.





STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016



APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	The Aspire at Amelia II, LLC				
AGENT:	Roger Towers, P.A. – Jon C. Lasserre, Esq.				
REQUESTED ACTION:	Voluntary Annexation, Future Land Use Map Change, and Zoning Map Change				
LOCATION:	3017 and 3021 Amelia Road				
CURRENT LAND USE + ZONING:	Nassau County Medium Density Land Use + Nassau County Open Rural zoning on ~ 4.14 Acres and Residential Single Family 2 zoning on ~ 3.77 acres				
PROPOSED LAND USE + ZONING:	City of Fernandina Beach Medium Density Residential (MDR) Land Use + City of Fernandina Beach Residential Low-Medium (RLM) zoning				
EXISTING USES ON SITE:	3017 Amelia Road contains a Single Family home and swimming pool, 3021 Amelia Road contains a Single Family home, ~5.93 acres of land are "pastureland" identified as Old Amelia Farm				
PROPERTY SIZE:	7.91 Acres Parcel ID #: 00-00-30-044B-0028-0010, 00-00-31-044B-0028-0012, 00-00-30-044B-0028-0014				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
NASSAU COUNTY	North	Single Family Home with a barn on 6.02 Acres of land	2004	Nassau County Residential Single Family 2	Nassau County Medium Density
WITHIN CITY LIMITS	South	Simmons Road Unimproved ROW on northern border with 2018 FDOT funded multiuse path improvement Barrington Cove Subdivision- Single Family Homes (23 lots) and Site Improvements	2007-2016 <i>Nearing build-out</i>	R-1: Low Density Residential	Low Density Residential (LDR)
NASSAU COUNTY	East	Single Family Homes	1995/2015	Nassau County Residential Single Family 2	Nassau County Medium Density
WITHIN CITY LIMITS	West	Vacant Commercial Property (Portion of Aspire At Amelia- Assisted Living Complex)	Vacant	C-2 (General Commercial)	General Commercial (GC)

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant, Aspire at Amelia II, LLC, has requested a voluntary annexation, assignment of the Medium Density Residential (MDR) land use, and RLM (Residential Low-Medium) zoning designation. The action is requested in order to gain access to the City's water and sewer services. The property is currently contiguous to the municipal limits on its southern and western borders. The applicant intends to build a single family home subdivision.

The proposed RLM (Residential Low-Medium) zoning and Medium Density Residential land use designations for these properties are generally consistent with the Nassau County zoning and land uses currently assigned to them given the detached single family home sites which surround the property. Uses permissible under the proposed zoning categories are provided in Table 2.03.02 of the Land Development Code. The RLM zoning district requested with this application will limit development to exclusively single-family homes.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Policy 1.01.02. The approval of all development shall be subject to the availability of adequate levels of service for all facilities and services that are subject to concurrency management requirements.

AND

Policy 4.01.01. The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development.

Facility/Service Area	Level of Service Standard
Wastewater Treatment System	300 gallons per day per ERU (Equivalent Residential Unit)
Solid Waste Facilities	Average Solid Waste Generation Rate: 5.9 pounds per capita per day
Stormwater Management Facilities	Policy 4.01.02 All subdivisions, multifamily, commercial, industrial, city, and institutional projects shall provide for retention of stormwater resulting from project, unless off-site shared facilities are available. For projects within areas designated for "zero discharge," storage shall accommodate a ten (10)-year, twenty-four (24)-hour storm event. For all other areas, retention shall accommodate the greater of: (a) the first one-half (1/2) inch of stormwater within the boundaries of their project, or (b) the first one (1) inch of storm flow from all roofs, sidewalks, paved surfaces, and parking areas (at 100 percent runoff), whether paved or not. The project shall also provide detention for all storm flows. Detention shall prevent peak flows after development from exceeding the peak flow prior to development.
Potable Water Facilities	Water Allocation Level of Service: 350 gallons per day per ERU (Equivalent Residential Unit)
Fire-Rescue Services	240-second travel time to 90% of the incidents (EMS with AED or BLS) & 480-second travel time to 90% of the incidents (ALS Response)
Police and Law Enforcement Services	Response Time: 3 minutes or less for emergency calls and 7 minutes or less for non-emergency calls



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

The City has seven public facilities that have adopted levels of service: Transportation, Water, Sewer, Drainage, Solid Waste, Fire-Rescue Services and Police and Law Enforcement Services. A determination of the impact of the proposed land use and zoning change must assess the net increase in development potential. Under the proposed Future Land Use of Medium Density Residential (MDR) a maximum of 8 units per acre is permissible which would allow up to 65 dwelling units. The applicant has not provided a site plan as part of their application materials. A site plan is not required for Voluntary Annexation, Future Land Use Map change, or Zoning assignment request.

The establishment of Medium Density Residential (MDR) land use and RLM (Residential Low-Medium) zoning on the subject property could result in a maximum of 65 units. A concurrency determination for impacts to Nassau County roadways must be assessed under the City's current requirements contained in LDC Section 7.04.05. All proposed developments generating more than 400 Average Daily Trips (ADT) require a traffic concurrency determination from the Northeast Regional Council. Under a maximum development scenario, Staff estimates that approximately 622 Average Daily Trips (ADT) could be generated by this development; resulting in 65 p.m. peak hour trips¹. Traffic impacts are likely on only State and Nassau County maintained roadways. Nassau County collects mobility fees for roadway impacts based on their adopted a mobility plan. It is expected that the City will, through its adopted Interlocal agreement with Nassau County, collect mobility fees on their behalf for projects within the City. This would be similar to the past collection of transportation impact fees which ceased in 2006.

The City owns and operates three potable water treatment facilities which combined can provide 18.2 million gallons per day. Potable water customers on the average consume approximately 5 million gallons per day. The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. At the adopted level of service and the maximum density allowed by the proposed Comprehensive Plan amendments, the residential units will consume 22,750 gallons of water per day (65 units x 350 gallons per ERC per day).

The City owns and operates one sanitary sewer treatment facility which has an operation/design capacity to treat 3.5 million gallons of wastewater per day. The facility's customers currently generate, on average, 1.9 million gallons per day. At the adopted level of service and the maximum density allowed by the Comprehensive Plan, the site will generate 52,325 gallons of wastewater per day (65 units x 2.3 x 350 gallons per ERC per day). The Commercial facilities are calculated by an Equivalent Residential Connection (ERC) standard, which is calculated by the utilities director. The utilities director indicates that plant capacity is available for the site; however, other facilities, such as pipe and lift station capacity, will have to be evaluated, and the developer will have to pay for what improvements are necessary to accommodate any proposed development. These determinations will be made in advance of site plan review and necessary improvements will be required as a part of site plan approval.

As for solid waste and drainage, the City currently has a contract with Advanced Disposal to dispose of solid waste, therefore the impact is irrelevant.

Drainage impacts from any new development or redevelopment will be reviewed by the City's Technical Review Committee. The City requires storm water drainage to be retained on-site and permitting through the St. John's River Water Management District.

All public facilities and services are currently available to the development and each service is able to maintain or exceed its level of service standards as required by Policies 1.01.02, 4.01.01 and 4.01.02.

¹ ITE Code 210 (Single-Family Detached Housing) average PM peak hour trips = 65 (~1 trip/ dwelling unit)



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

Policy 1.02.03. The City shall ensure that the location, scale, timing, and design of development is coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as: described below.

- a. No Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;**
- b. No Areas of urban development or uses which fail to maximize the use of existing public facilities;**
- c. No Areas of urban development or uses which fail to use areas within which public services are currently provided; and**
- d. No Leapfrog/scattered development or ribbon/strip commercial development patterns.**

The proposed land use and zoning category is compatible with the land use and zoning which surrounds it. The proposed development will rely on an open roadway (Amelia Road) for access to the subdivision. Water and sewer services are available to serve the site and this proposed development. No leapfrog development or scattered development patterns are generated by this annexation, land use assignment and zoning change.

1.02.04. Decisions on amendments to the FLUM shall 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; and**
- i. Location in a Coastal Upland Protection Zone (CUPZ).**

Uses along Amelia Road are consistent with the City's single family residential land use pattern for the area. The proposed land use category of Medium Density Residential (MDR) with the RLM (Residential Low-Medium) zoning district is the most suitable classification given the characteristics of the surrounding developed properties. The applicant has not supplied a report stating the soil suitability or the presence or absence of natural resources; however, this is not a greenfield development. The site currently contains two (2) single family homes, associated ancillary uses, and farmland. A soil suitability analysis and biological survey will be required prior to receiving a local development order from the Technical Review Committee. The site is not located in a Coastal Upland Protection Zone, and the levels of service are discussed above.



**STAFF REPORT
PAB (VAX/LU/CZ) 2016-18
Planning Advisory Board Hearing
July 13, 2016**

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

The requested zoning is RLM, provides for commercial land uses. Permissible uses are provided in Table 2.03.02 of the Land Development Code.

Section 2.01.04 of the Land Development Code states the intent of the RLM, General Commercial, zoning classification.

The RLM District is intended for the development of low- to medium-density single-family homes on individual lots. This designation is intended to provide for a more urban neighborhood with a higher density than the R-1 District and a lower density than the R-2 District.

The RLM zoning is requested because the preferred development pattern of this property is single family home sites.

CONCLUSION:

This is a voluntary annexation of property as compliant with all applicable Florida Statutes and the City's Municipal Code. The annexation area is compact, does not create an "enclave", and represents a logical extension of the City boundary. The area is a logical extension of urban development and any development or redevelopment is capable of achieving full compliance with the City's Land Development Code and Comprehensive Plan.

The requested voluntary annexation, land use and zoning changes are sufficiently compliant with the Comprehensive Plan, Land Development Code, and Municipal Code. Staff recommends approval of the requested actions.

MOTION TO CONSIDER

I move to recommend (**approval or denial**) of PAB case number 2016-18 to the City Commission requesting that a voluntary annexation into the city limits be approved, assigning the High Density Residential/ R-3 land use and zoning category, as described and that PAB case 2016-18, as presented, (**is or is not**) sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

Kelly N. Gibson
Senior Planner

OFFICE USE ONLY

REC'D: 6/13/16 BY: [Signature]
PAYMENT: \$ 2750 TYPE: CK 1635
APPLICATION #: 2016 0000906
CASE #: 2016-18
BOARD MEETING DATE: 7/13/16



PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

APPLICANT INFORMATION

Owner Name: The Aspire at Amelia II, LLC
Mailing Address: 1435 Rolling Links Drive, Alpharetta, Georgia 30004
Telephone: (770) 243-4600 Fax: _____
Email: RKennedy@WellsREF.com

Agent Name: Rogers Towers, P.A. ATTN: Jon C. Lasserre, Esq.
Mailing Address: 960185 Gateway Blvd., Suite 203, Fernandina Beach, Florida 32034
Telephone: (904) 261-5618 Fax: (904) 261-9159
Email: JLasserre@RTLlaw.com

PROPERTY INFORMATION

Street Address: 3017 & 3021 Amelia Road, Fernandina Beach, Florida 32034
00-00-30-044B-0028-0012 & 00-00-30-044B-0028-0014 &
Parcel Identification Number(s): 00-00-30-044B-0028-0010 & 00-00-30-044B-0028-0010
Lot Number: 28 Block Number: N/A Subdivision: Ocean Breeze Farms
Section: 3 & 5 Township: 2N Range: 28E



**OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION**

I/WE Leo F. Wells, Manager of The Aspire at Amelia, LLC
(print name of property owner(s))

hereby authorize: Rogers Towers, P.A., Jon C. Lasserre, Esq.
(print name of agent)

to represent me/us in processing an application for: Rezoning, FLUM Designation change and Annexation
(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.

[Handwritten Signature]
(Signature of owner)

(Signature of owner)

Leo F. Wells
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU }
SS

Subscribed and sworn to before me this 10 day of June, 2014.

[Handwritten Signature] _____
Notary Public: Signature Printed Name

My Commission Expires _____

Personally Known _____ OR Produced Identification _____ ID Produced: [Handwritten Signature]





USE THIS FORM TO: Request actions to affect changes to property (zoning changes, annexations, allowable uses, subdivisions).

FEES: See below. Fees are payable upon application.

IMPORTANT NOTES: To guide you through the process and ensure that your application is understood and properly processed, you'll need to meet with a City Planner prior to submitting your application. Completed applications are due 30 days prior to the Planning Advisory Board meeting date.

KEY CONTACTS: The Planning Department will guide your application from start to finish, engaging other City departments or agencies as needed.

PLANNING ADVISORY BOARD APPLICATION FOR:

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

2016 Planning Advisory Board Meeting Schedule

Application Deadline (4:30pm)	Dec 14 2015	Jan 11 2016	Feb 8 2016	Mar 14 2016	Apr 11 2016	May 9 2016	Jun 13 2016	Jul 11 2016	Aug 15 2016	Sep 12 2016	Oct 10 2016	Nov 14 2016	Dec 12 2016	Jan 9 2017	Feb 6 2017
Meeting Date	Jan 13 2016	Feb 10 2016	Mar 9 2016	Apr 13 2016	May 11 2016	Jun 8 2016	Jul 13 2016	Aug 10 2016	Sep 14 2016	Oct 12 2016	Nov 9 2016	Dec 14 2016	Jan 11 2017	Feb 8 2017	Mar 8 2017

APPLICATION REQUIREMENTS PLANNING ADVISORY BOARD

APPLICATION CHECKLIST:

Submit all of the following information for a complete application, as applicable:

- A notarized application filed at least thirty (30) days before the date of the Planning Advisory Board's public hearing;
- A current survey of the property (no older than two years);
- A completed owner's authorization for agent form, if applicable;
- A detailed letter of intent stating the following:
 - The consistency of the proposed amendment(s) or action(s) with the City's Comprehensive Plan.
 - A justification for the proposed amendment(s) or action(s).
- A map of the area indicating the proposed zoning district designation for the subject property. The map shall show the current zoning district designations and land use categories from the Future Land Use Map in the comprehensive plan for the subject property and all adjacent properties.

IMPORTANT NOTES AND REQUIREMENTS:

Please see additional Land Development Code (LDC) requirements for specific application types:

- LDC Text Amendment** – see LDC Section 11.01.08.
- Preliminary Subdivision Plat** – see LDC Section 11.01.05.
- Final Subdivision Plat** – see LDC Section 11.01.05.
- Zoning Map Changes** – see LDC section 11.01.07.

You will receive a staff report one week before your meeting.

STAFF CONTACT:

Kelly Gibson
Senior Planner
kgibson@fbfl.org
904.310.3135



ATTORNEYS AT LAW

Jon C. Lasserre

JLasserre@rtlaw.com

960185 Gateway Boulevard • Suite 200
Amelia Island, Florida 32034

904 . 261 . 5618 Main
904 . 261 . 9159 Fax
www.rtlaw.com

June 13, 2016

Ms. Kelly N. Gibson
Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida, 32034

**RE: APPLICATION FOR ANNEXATION AND ZONING MAP AND FLUM
AMENDMENT
THE ASPIRE AT AMELIA II, LLC
PARCEL ID# 00-00-30-044B-0028-0014, 00-00-30-044B-0028-0012,
00-00-30-044B-0028-0010, AND 00-00-30-044B-0028-0010
3017 & 3021 AMELIA ROAD, FERNANDINA BEACH, FLORIDA**

Dear Ms. Gibson,

Our firm is pleased to present the enclosed Application for Annexation and Zoning Map and FLUM Amendment (the "Application") concerning approx. 7.91 acres located at 3017 & 3021 Amelia Road, Fernandina Beach, Florida (the "Property") on behalf of The Aspire at Amelia II, LLC, a Georgia limited liability company.

Please find enclosed a check in the amount of \$2,750.00 for the Application fees. This Application is submit in conformity with Section 11.01.07 of Ordinance 2006-14 (as amended), also known as the City of Fernandina Beach Land Development Code.

The Property is presently zoned both Nassau County Open Rural (OR) and Nassau County Residential – Single Family 2 (RS-2) with a Nassau County FLUM designation of Medium Density Residential. The Property consists of four lots that have been assembled under common ownership. There are two existing single family homes on the Property and an outbuilding used for agricultural purposes.

This application requests an annexation with concurrent rezoning to City of Fernandina Beach Low-Medium Disunity Residential (RLM) and FLUM designation of Medium Density Residential.

Among others, this requested rezoning is consistent with the following Objectives of Goal 1, The Future Land Use Element of the City’s Comprehensive Plan:

- 1. Objective 1.02.04 – FLUM amendments shall be considered based upon the factors a-i:**

- a. *Type and density or intensity of surrounding uses* – The property to the north of the subject property is used as a residence and is zoned Nassau County RS-2 with a Nassau County FLUM designation of Medium Density Residential; the property to the west is a vacant land zoned City of Fernandina Beach C-2, General Commercial with a FLUM designation of Commercial; the property to the south is single family residential, zoned City of Fernandina Beach R-1 with a FLUM designation of Low Density Residential; the property to the east is single family residential, zoned Nassau County RS-2 with a FLUM designation of Medium Density Residential. A FLUM amendment for the Property to Medium Density Residential would be suitable and compatible with the type and density of surrounding uses.
- b. *Zoning districts in the surrounding area* – The zoning and FLUM designations of the surrounding area are discussed in Paragraph a, above. A zoning map amendment to RLM for the Property would be suitable and compatible with the surrounding zoning districts which require detached, single family residential uses (RLM does not allow multifamily structures, only single family). Further, the amendment would act as an additional buffer for existing residential on the east side of Amelia Road and serve as a transition area from commercial on the west side to residential zoning.
- c. *Demonstration of adequate water supply and water supply facilities* – Adequate water and water supply facilities exist.
- d. *Appropriateness of the size of the parcel compared to the proposed use* – The Property is an appropriate size for use as single family residential.
- e. *Physical condition of the site and the suitability of soils and topography for the proposed use* – The Property's physical condition, soils and topography are suitable for single family residential use.
- f. *Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources* – The Property is suitable for use as single family residential based upon the consideration of these issues.
- g. *Compatibility factors* – The property is currently compatible with the surrounding uses and the proposed FLUM designation change would make the current use compatible with the FLUM.
- h. *Impact on adopted levels of service standards and quality of service standards*
Any impact on adopted level of service standards and quality of service standards resulting from a change in the FLUM designation would be minimal.
- i. *Location in a Coastal Upland Protection Zone (CUPZ)* – The property is not located within the CUPZ.

Ms. Kelly N. Gibson

June 13, 2016

Page 3

2. Objective 1.02.08 – Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas.

a. The Property is currently used as single family residential and agricultural. The properties to the north, south and east are all single family residential. The property to the west is zoned commercial. Rezoning the Property to residential will serve to protect the adjoining existing residential uses from potentially incompatible commercial development on the Property.

I look forward to reviewing your staff report on this Application. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Jon C. Lasserre

Encl.

Cc: The Aspire at Amelia, LLC c/o Leo F. Wells, Manager

After Recording Return to:

Eric L. Weiss, Esq.
Schulten Ward Turner & Weiss, LLP
260 Peachtree Street, N.W., Ste. 2700
Atlanta, Georgia 30303

STATE OF FLORIDA

COUNTY OF NASSAU

Folio Number: 00-00-30-44B-0028-0010

SPECIAL WARRANTY DEED

THIS INDENTURE, made the 10th day of May, 2016, between OLD AMELIA FARM, LLC, a Florida limited liability company, hereinafter called "Grantor," and THE ASPIRE AT AMELIA II, LLC, a Georgia limited liability company, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby transfer and convey unto Grantee, that certain land in Nassau County, Florida, being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "**Property**");

TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "**Permitted Exceptions**"), and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, except for claims arising under and by virtue of the Permitted Exceptions. "Grantor" and "Grantee" shall include their respective heirs, successors and assigns;

[signature on following page]

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed the day and year first above written.

Witness No. 1 Signature: [Signature]

Printed Name: Jon C. Lasserre

Witness No. 2 Signature: [Signature]

Printed Name: Jennifer Athavale

GRANTOR:

OLD AMELIA FARM, LLC, a Florida limited liability company

By: [Signature]
Peter L. Procko, Manager

By: [Signature]
Pamela R. Procko, Manager

Note: This deed is being executed to wind up the affairs of the dissolved limited liability company

STATE OF FLORIDA

COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 19TH day of May, 2016, by Peter L. Procko and Pamela R. Procko, as Managers of OLD AMELIA FARM, LLC, a Florida limited liability company. Peter L. Procko and Pamela R. Procko are personally known to me or have produced _____ as identification.



NOTARY PUBLIC:

Signature: [Signature]

Print: Jon C. Lasserre

State of FLORIDA at Large (Seal)

My Commission Expires: 09/15/2019

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL "C"

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTIONS 3 AND 5, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, BEING PART OF LOT 28 OF OCEAN BREEZE FARMS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF SAID NASSAU COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR THE POINT OF BEGINNING COMMENCE AT THE NORTHWEST CORNER OF "BARRINGTON", ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 115 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 88°24'06" EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PLAT OF "BARRINGTON", 499.32 FEET; THENCE NORTH 01°35'54" EAST, 210.00 FEET; THENCE SOUTH 88°24'06" EAST, 213.24 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, WHICH HAS AN EXISTING RIGHT-OF-WAY OF 50- FEET; THENCE IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE IN SAID WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 04°23'27" WEST, 60.33 FEET; THENCE NORTH 88°24'06" WEST, 206.94 FEET; THENCE NORTH 01°35'54" EAST, 84.46 FEET; THENCE NORTH 28°20'11" EAST, 151.77 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SIMMONS ROAD, A 30-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 88°23'53" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 570.27 FEET TO THE NORTHEAST CORNER OF LOT 34, SAID OCEAN BREEZE FARMS; THENCE SOUTH 01°17'10" WEST, ALONG THE WESTERLY BOUNDARY OF SAID LOT 34 AND ALONG THE WESTERLY BOUNDARY OF LOT 35, SAID OCEAN BREEZE FARMS, 490.05 FEET TO THE POINT OF BEGINNING.

After Recording Return to:

Eric L. Weiss, Esq.
Schulten Ward Turner & Weiss, LLP
260 Peachtree Street, N.W., Ste. 2700
Atlanta, Georgia 30303

STATE OF FLORIDA

COUNTY OF NASSAU

Folio Number: 00-00-30-44B-0028-0014

SPECIAL WARRANTY DEED

THIS INDENTURE, made the 19th day of May, 2016, between OLD AMELIA RENTALS, LLC, a Florida limited liability, hereinafter called "Grantor," and THE ASPIRE AT AMELIA II, LLC, a Georgia limited liability company, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby transfer and convey unto Grantee, that certain land in Nassau County, Florida, being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "**Property**");

TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "**Permitted Exceptions**"), and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor, except for claims arising under and by virtue of the Permitted Exceptions. "Grantor" and "Grantee" shall include their respective heirs, successors and assigns;

[signature on following page]

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed the day and year first above written.

GRANTOR:

Witness No. 1 Signature: [Signature]
Printed Name: Jon C. Lasserre

Witness No. 2 Signature: [Signature]
Printed Name: Jennifer Athavale

OLD AMELIA RENTALS, LLC, a Florida limited liability company

By: [Signature]
Peter L. Procko, Manager

By: [Signature]
Pamela R. Procko, Manager

Note: This deed is being executed to wind up the affairs of the dissolved limited liability company

STATE OF FLORIDA

COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 19th day of May, 2016, by Peter L. Procko and Pamela R. Procko, as Managers of OLD AMELIA RENTALS, LLC, a Florida limited liability company. Peter L. Procko and Pamela R. Procko are personally known to me or have produced _____ as identification.



NOTARY PUBLIC:

Sign [Signature]
Print Jon C. Lasserre
State of FLORIDA at Large (Seal)
My Commission Expires: 09/15/2019

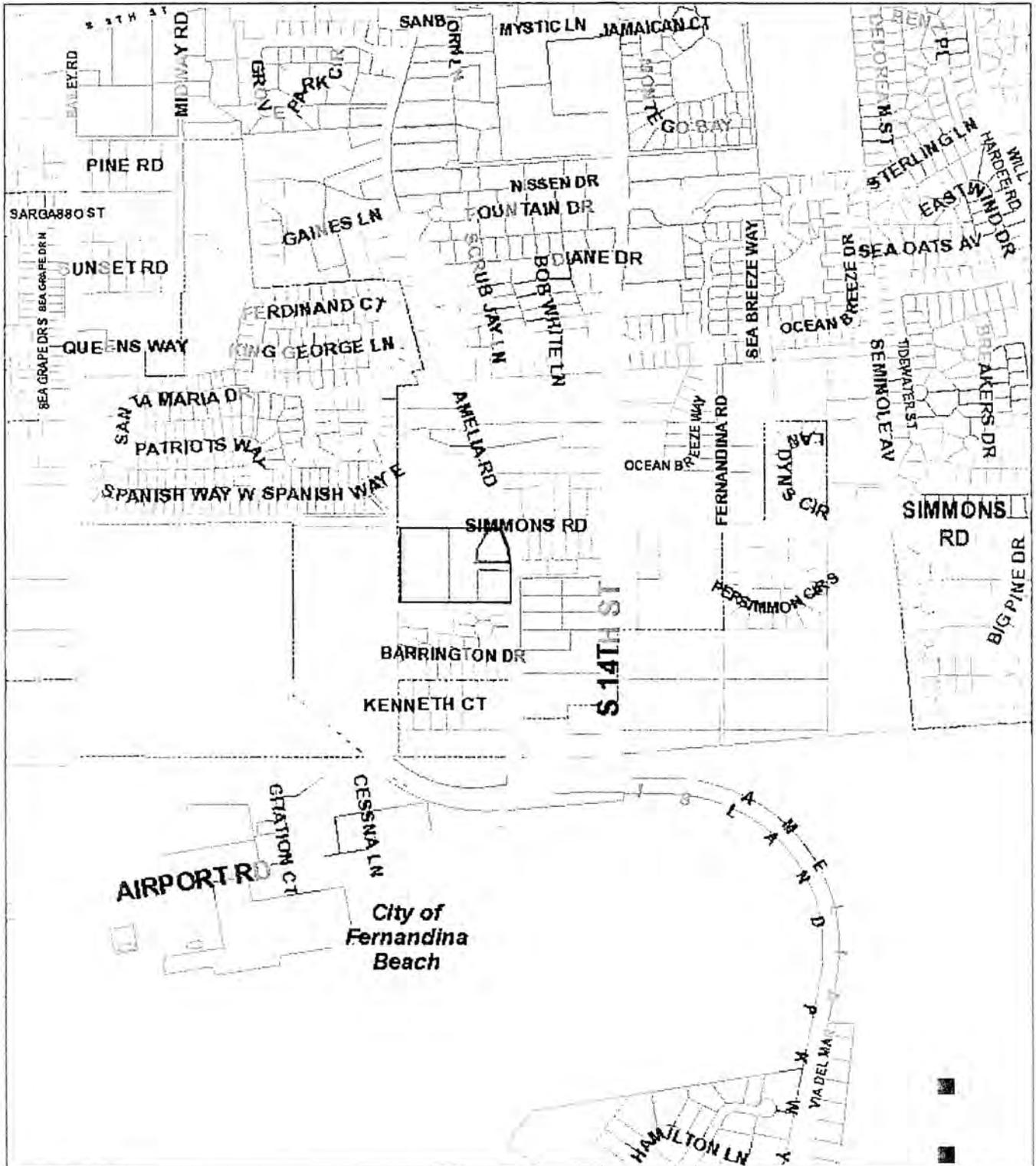
EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL "B"

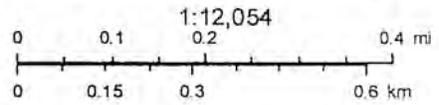
ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION 3, TOWNSHIP 2 NORTH, RANGE 28 EAST, NASSAU COUNTY, FLORIDA, BEING PART OF LOT 28 OF OCEAN BREEZE FARMS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 19, PUBLIC RECORDS OF SAID NASSAU COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF "BARRINGTON", ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 115 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 88°24'06" EAST, ALONG THE NORTHERLY BOUNDARY OF SAID PLAT OF "BARRINGTON", 717.32 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, WHICH HAS AN EXISTING RIGHT-OF-WAY OF 50-FEET; THENCE THE FOLLOWING (2) COURSES ALONG SAID WESTERLY RIGHT-OF-WAY LINE: COURSE (1) - NORTH 01°35'54" EAST, 95.00 FEET; COURSE (2) - IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 02°01'05" WEST, 175.35 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED, THENCE CONTINUE IN A NORTHERLY DIRECTION, ALONG THE ARC OF A CURVE IN SAID WESTERLY RIGHT-OF-WAY LINE OF AMELIA ROAD, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 1,390.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 10°16'22" WEST, 224.81 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SIMMONS ROAD, A 30-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE NORTH 88°23'53" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 92.42 FEET; THENCE SOUTH 28°20'11" WEST, 151.77 FEET; THENCE SOUTH 01°35'54" WEST, 84.46 FEET; THENCE SOUTH 88°24'06" EAST, 206.94 FEET TO THE POINT OF BEGINNING.

Subject Property

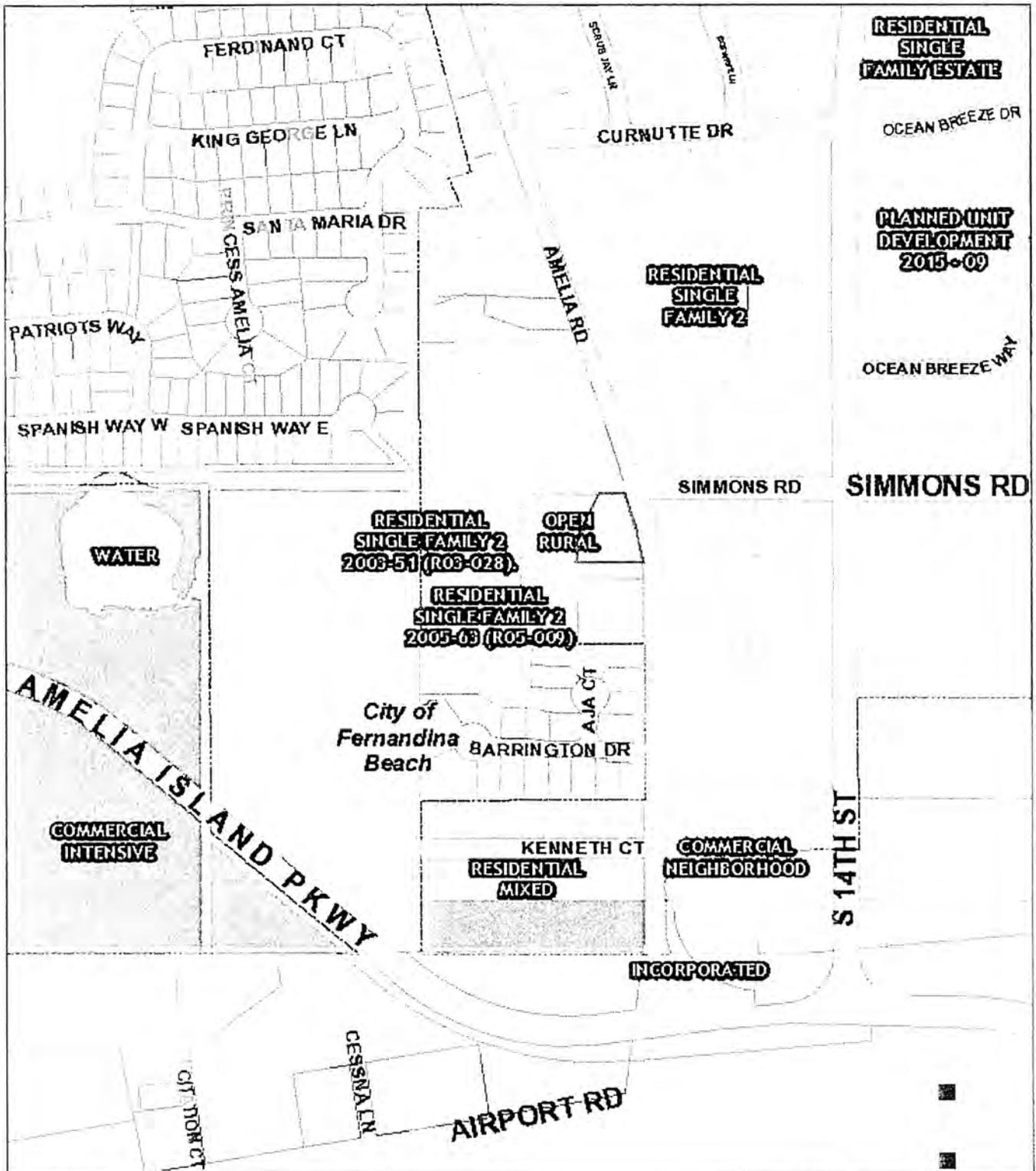


June 2, 2016

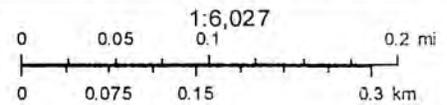


Sources: Esri, HERE, DeLorme, USGS, Intermap, Incepcion P. Corp., MRCAN, Esri Japan, NET, Esri China (Hong Kong), Esri (Taiwan), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Nassau County Zoning

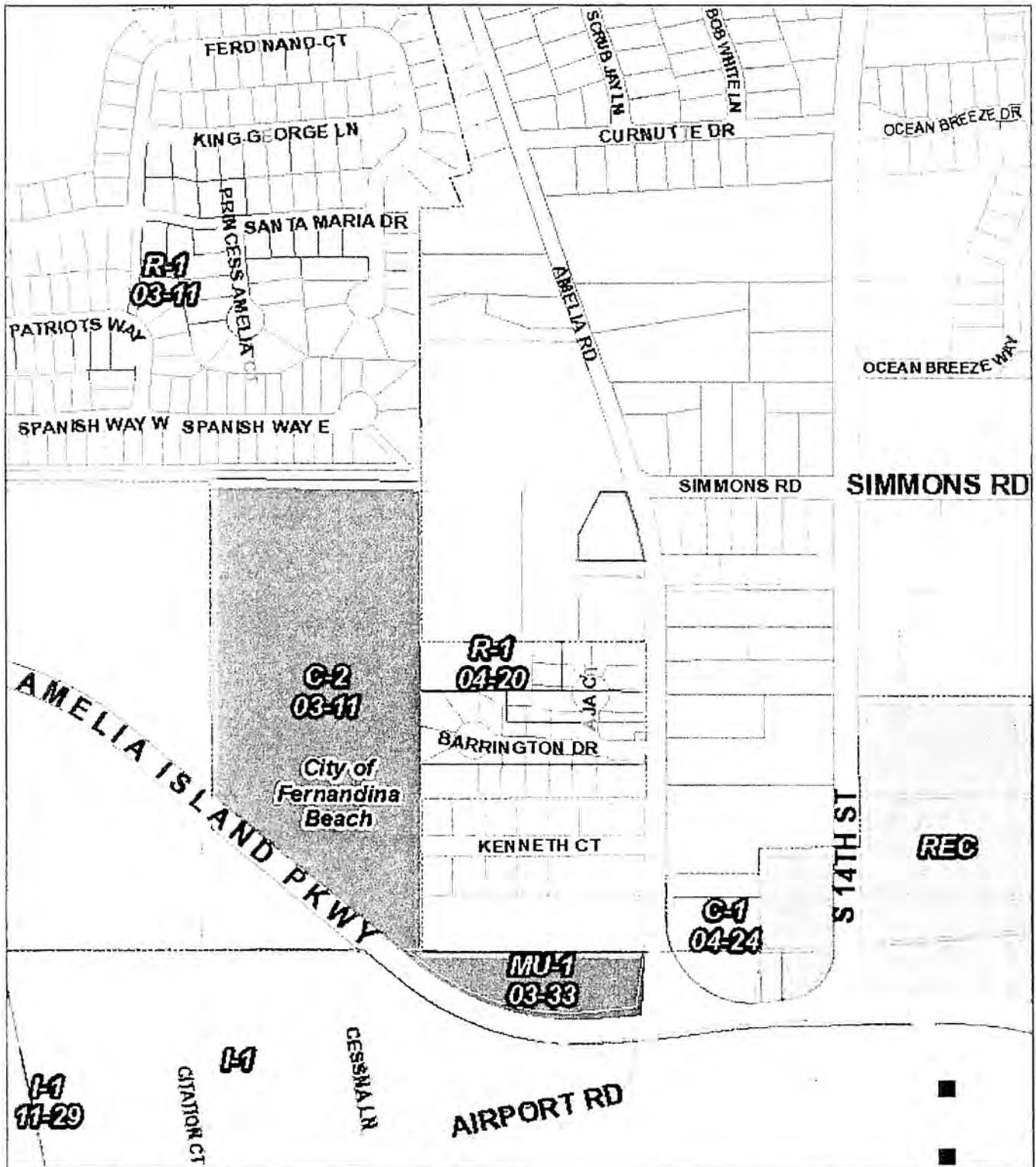


June 2, 2016



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

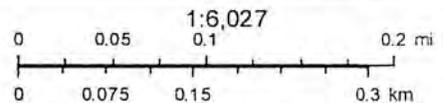
City of Fernandina Beach Zoning



June 2, 2016

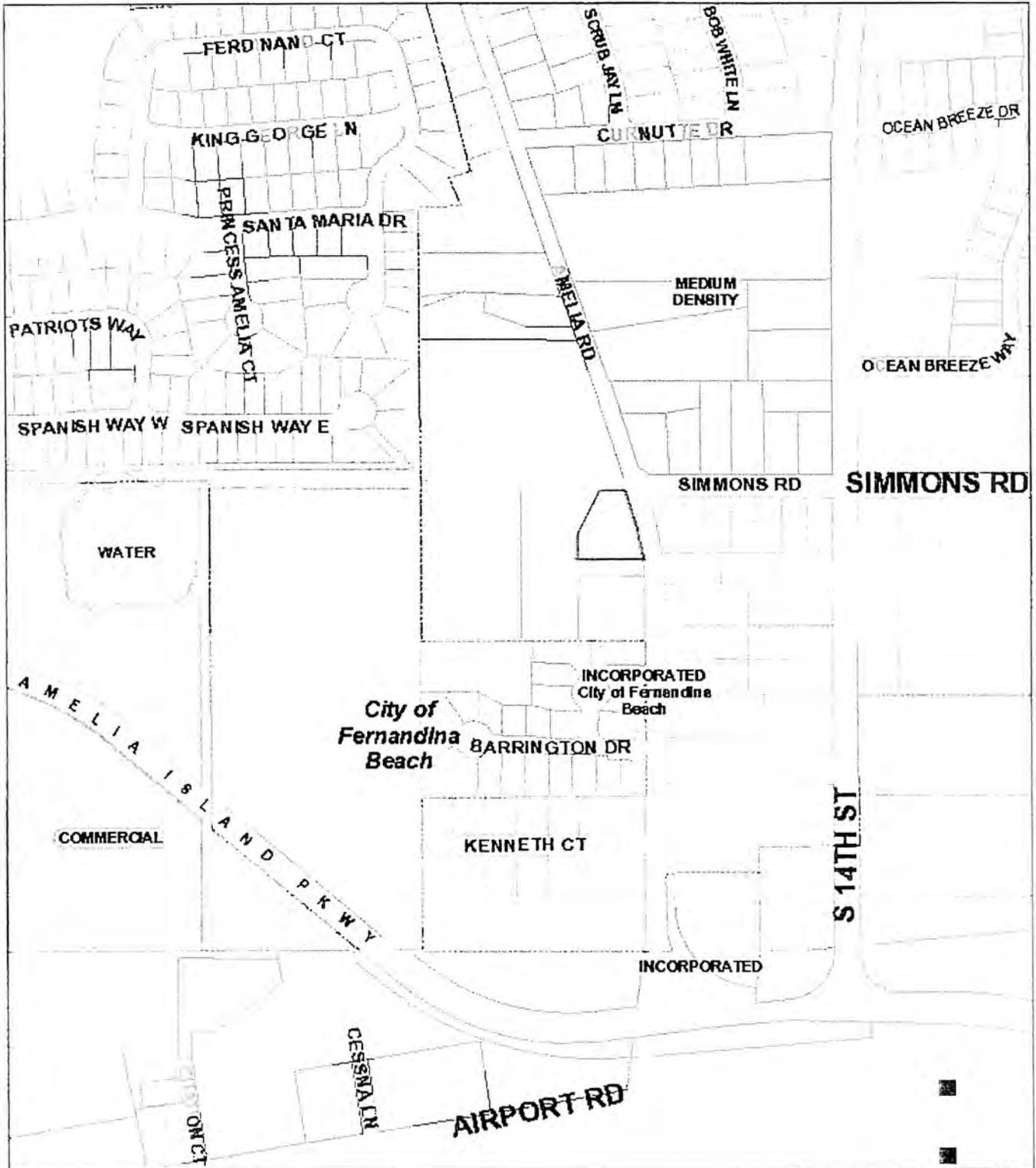
City of F.B. Zoning

—	C-1	—	R-1	—	R-1G	—	I-1
—	C-2	—	RLM	—	OT-1	—	IA
—	C-3	—	R-2	—	OT-2	—	PI-1
—	MU-1	—	R-3	—	W-1	—	CON
—		—	RE	—	IW	—	REC

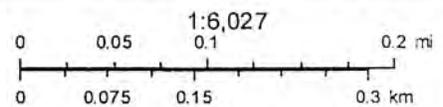


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Nassau County FLUM Designation

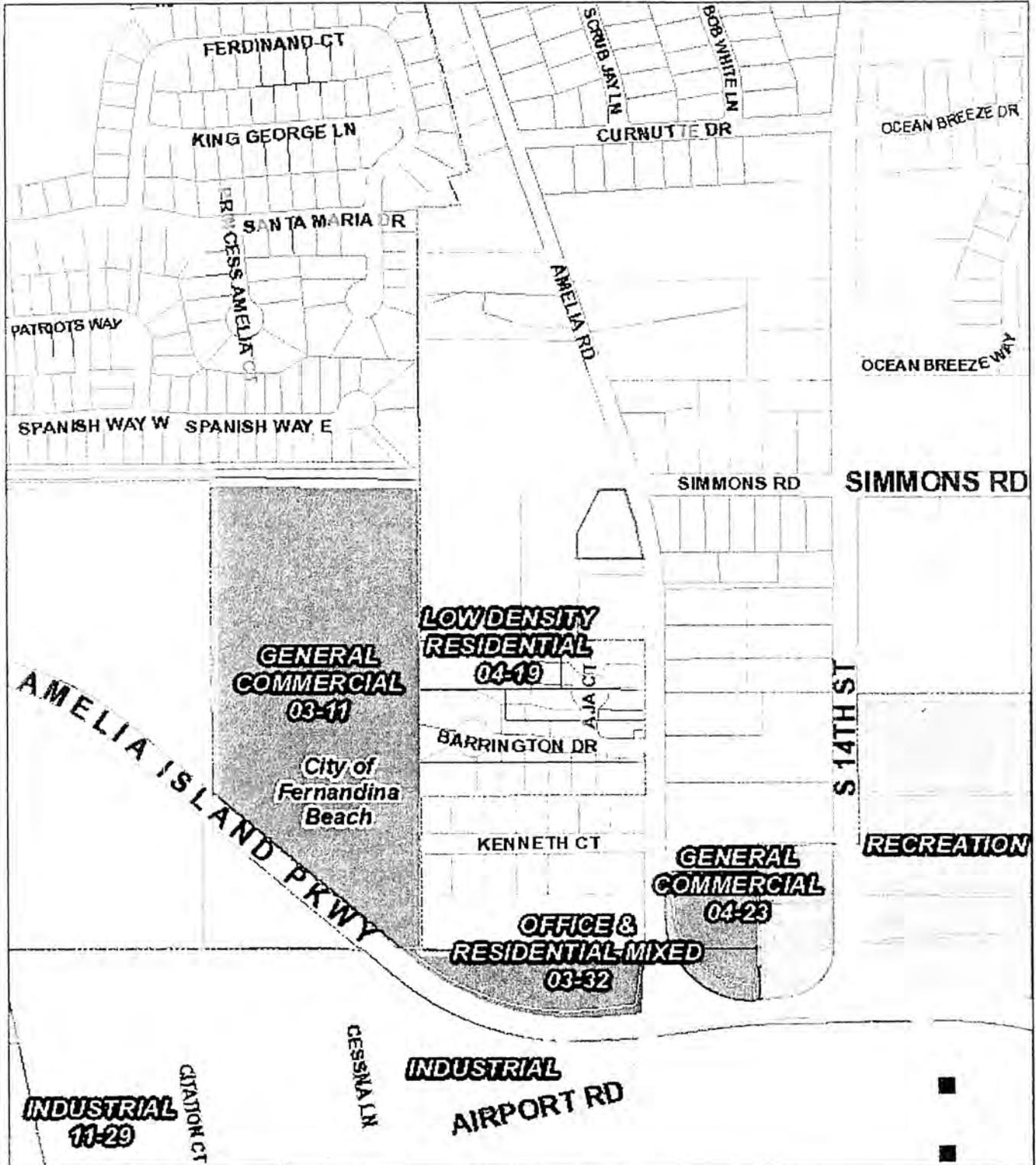


June 2, 2016



Sources: Esri, HERE, DeLorme, USGS, Intermap, Incent P Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Swis (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

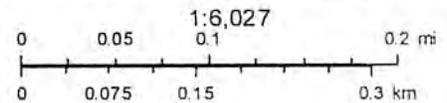
City of Fernandina Beach FLUM Designation



June 2, 2016

City of F.B. Future Land Use

- | | |
|--|---|
| <ul style="list-style-type: none"> ▬ GENERAL COMMERCIAL ▬ CENTRAL BUSINESS DISTRICT ▬ OFFICE & RESIDENTIAL MIXED ▬ LOW DENSITY RESIDENTIAL ▬ MEDIUM DENSITY RESIDENTIAL ▬ HIGH DENSITY RESIDENTIAL | <ul style="list-style-type: none"> ▬ WATERFRONT MIXED USE ▬ INDUSTRIAL ▬ INDUSTRIAL WATERFRONT ▬ PUBLIC & SEMI PUBLIC ▬ CONSERVATION ▬ RECREATION |
|--|---|



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

- I. **Call to Order** - The meeting was called to order at 5:02 pm.

Roll Call/Determination of Quorum

Board Members Present

Judith Lane, Chair
David Beal
Charles Rogers
Eric Lawrence (alternate)

Mark Bennett, Vice-Chair
Jon Lasserre
Chip Ross
Jamie Morrill (alternate)

Board Members Absent

Chris Occhuizzo

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

Member Morrill was seated as a voting member for this meeting due to the absence of Member Occhuizzo.

- 2.1 **Review and Approve June 8, 2016 Regular Meeting Minutes – A motion was made by Member Ross, seconded by Member Lasserre, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

AGENDA CHANGE: Chair Lane requested item 5.1 the Sunshine Law overview be heard first on the agenda.

Sunshine Law Overview – City Attorney Bach briefly explained the Sunshine Law is comprised of two parts (public records act and the open meetings law). She stated anything related to the business of the board or foreseeably would come before the board including email, voicemail, or any type of medium is a public record. She pointed out board members are not to be emailing other board members, but there is an exception if the board member is sending out a memo as long as there is no reply. She explained if there is a reply then both members have violated the Sunshine Law. She referred to open meetings and stated you cannot meet with one other board member and discuss anything that could foreseeably come before the board for a vote. She also explained that a board member that attempts to use an intermediary (a person not on the board) to send a message to another board member and that message gets through then both members are in violation of the Sunshine Law. She clarified that ex parte communications are only valid for quasi-judicial boards. She stated if the board was doing zoning hearings where you act as a quasi-judicial body that would make sense, but that was done at the City Commission level. She explained she would periodically remind staff and board members of the Sunshine Law.

Member Beal noted Mr. Lasserre has three cases before the board tonight. He questioned if he had talked with Mr. Lasserre about one of the cases, since Mr. Lasserre was recusing himself was that ok. City Attorney Bach replied that is not a Sunshine Law violation, because the two members are not going to participate in the same vote. She reminded the board that she was available if they had any questions. There was a brief discussion about the information that board members receive about any upcoming cases, and it was noted that information should be shared with staff to disseminate to the rest of the board.

Member Lasserre recused himself at this time and Member Lawrence was seated as a voting member. City Attorney Bach reminded Member Lasserre to fill out the voting conflict form, which is filed with the City Clerk's office.

3. New Business

3.1. PAB 2016-16 - PHOENIX INVESTMENTS, LLC, JOHN ROBAS STREET & FIRST AVENUE - ZONING MAP AMENDMENT - (PAB 2016-16), REQUEST ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM MEDIUM INTENSITY COMMERCIAL TO HIGH DENSITY RESIDENTIAL

Ms. Gibson pointed out the staff report was part of the public record. She stated PAB 2016-16 was a land use and zoning case for property located at the corner of First Avenue and John Robas (.38 acres of land) to move from General Commercial land use and C-1 zoning to High Density Residential land use and R-3 zoning designation. She explained the property previously requested the same land use and zoning in 2004 with the intent to develop three townhome units. She commented for whatever reason the applicant did not proceed with those changes so the property was back today requesting the same thing. She stated the difference today was there is no special use requirement that would come before the PAB. She explained a multi-family project or townhome style development would come through the City's Technical Review Committee (TRC), receive a local development order, and then be able to move forward. She provided further details from the staff report including that staff's recommendation was approval.

Member Ross referred to Section 12 of the Comprehensive Plan (economic development) and read "protect existing land designation for employment generating uses....." He questioned why the City was taking commercial land and turning it into residential land, which seems to be opposed to this economic development element of the Comprehensive Plan. Ms. Gibson replied it is a private applicant driven text amendment. She stated she found given that the surrounding area is a resort rental type of use that the property can generate jobs and continue to support that area. The board reviewed an aerial of the property in question. It was noted if this had gone through the City Commission for approval in the past and they just didn't develop the property they would have had the land use and zoning tied to the property.

Mr. Jon Lasserre, agent for the applicant, referred to Section 12 and noted it refers to job opportunity areas. He expressed his opinion that it was not applicable in this case. He stated his client's family assembled the property at 1940 South Fletcher and the two vacant parcels south of it over a time period from 1999 until two were sold in 2013. He commented in 2004/2005 his client and the City were engaged in a lawsuit over the lack of ability to develop the oceanfront, and part of the settlement was this parcel could be used as overflow parking for the oceanfront property. He explained the reason Mr. Kuitems stopped going forward on the R-3 application with the City Commission was to maintain Commercial so it could be paved in terms of a parking lot. He stated since the two oceanfront properties were sold in 2013 that was no longer necessary, and now Mr. Kuitems was seeking to return something that is more compatible. Member Morrill inquired if anything has to be done in relation to the legal settlement. Mr. Lasserre replied he was not building on that property, and he believed the selling of the property severed that settlement agreement. Chair Lane inquired about the size of this property. Mr. Lasserre replied .38 acres. It was noted there would be enough room for three units with parking onsite.

Member Ross noted the Nassau County Economic Development Board (NCEDB) has talked about a diversified tax base and they promote having commercial development to diversify the tax base. He stated this was taking commercial land and turning it into residential land. He questioned how this was

promoting a diversified tax base. Mr. Lasserre referred to the surrounding area and the residential development that has already taken place south of it and pointed out the parcel is small for one standalone commercial development. He commented this property has been for sale for the last 15 years as commercial property and it hasn't sold. He explained three residential units appear to more in keeping with the neighborhood than a hotel or a restaurant or a parking lot. There was a brief discussion about the surrounding uses.

The public hearing was opened at this time.

Mr. Ray Anderson, 2162 First Avenue, questioned the implication of non-conforming for those other residences. Ms. Gibson replied they are currently a grandfathered use, which is allowed to continue as long as that use does not lapse for a period greater than 180 days. Chair Lane inquired about when the property is sold. Ms. Gibson replied a property may be sold that is non-conforming and continue to maintain the same non-conforming use status as long as it remains occupied and within that same use. Mr. Anderson inquired if the intent of the development was to be used as vacation rental properties or residences. Ms. Gibson explained there is no requirement per the application process to make any decision about future development. She stated the owner determined after this has been on the market for a period of time under general commercial status and it was not selling so they felt it was in their best interest to convert it to a residential land use to sell the property. She commented short-term rental was permissible under the R-3 zoning. Mr. Anderson expressed his concern that the other residences on South Fletcher have vacation rentals and the neighborhood takes on a different aspect.

Member Beal questioned if the three properties to the south could be bought and operated as a commercial property. Ms. Gibson replied yes as a lodging accommodation. She pointed out there would be aspects if you were to operate as a lodging accommodation that would not be conforming because you would not have a hotel lobby unless it was associated through some other hotel. Member Beal inquired if it could be any other use within C-1. Ms. Gibson replied yes any other use within C-1. There was a brief discussion about this and that if the property was vacated and shut off utilities for greater than 180 days the nonconforming use would no longer be available and the property would have to be used as commercial space.

Ms. Patti Roberts, 2172 First Avenue, commented that over 60% of that end of First Avenue was owner occupied and there are very few long term rentals. She stated the idea of short term rental was like a new party every week, and that is not fun when it is in your neighborhood. She explained during a holiday weekend or a busy time the parking lot behind Dairy Queen is full. She pointed out she didn't have a problem if they were asking for R-1, because then someone would be building a house on that corner. She expressed her concern with R-3 to have short-term rental and traffic in the area.

Mr. Howard Neidig, 2786 Robert Oliver Avenue, explained his daughter lives at 2218 B First Avenue and concurred with the previous speaker. He explained weekly rental seems contrary to the other homes in that area.

Mr. Lasserre pointed out the zoning to the south of this and this property could be used like the Beach Club is over on South Fletcher or create a lodging accommodation. He explained they were talking about three units not a hotel or a condominium complex. He stated his client hasn't identified if he intends to build townhomes or rent them short term or long term. He pointed out the requested density would allow three units, and the property was twice the size of the two townhomes south of it. He commented the question is about the ability to do short-term rentals. He explained the problem with R-1 with one big house is that nobody wants to live next to fire station. He provided further comments in support of the

requested amendment including it was in keeping with good planning to go from commercial to high density residential to medium density residential to single family residential.

Member Lawrence inquired about subdividing the property into three lots and making them R-2. Ms. Gibson stated you have a minimum lot width in R-2 of 50 feet. After some discussion about the idea of subdividing the property, Member Ross briefly expressed his opposition to the request since it was turning commercial land into residential land and he was also opposed to the R-3 density. Member Beal briefly commented he thought it was a good transitional use from the commercial. There was some discussion about step down zoning/transitional zoning.

Mr. Anderson questioned step down zoning and where the character was changing and how that was connected to this request. Mr. Lasserre explained a change was put into effect in 1999 that limited short term rentals to only the R-3 zoning district, and you could only maintain your resort rental permit if you were grandfathered in and you continued with that use. He stated that was the reason you have a myriad of homes along South Fletcher that have the short-term rental ability. He pointed out since then there have been four new hotels built in the last 5+ years, but 10 years ago there weren't five hotels within a half mile of this property. He commented that has created the amount of traffic that is now at Sadler Road and South Fletcher. He briefly explained the change of the businesses in the area (Sliders, Hammerhead, etc.) He referred to step down zoning and stated the highlighted lot was the second application before the board. He briefly explained the idea of stepping down from commercial to the residential zoning. There was further discussion about step down zoning and keeping in mind the existing uses in the area. It was pointed out that R-2 was also a step down from commercial.

Ms. Gibson explained she ran a density calculation on the adjoining properties, and if the townhomes could be changed to R-2. She stated because of their narrow size they just meet the minimum for R-3 zoning standards (4,356 square feet of land area) to support that one unit. She pointed out the City would have to apply high density residential R-3 zoning status to those properties in order to make them conforming. There was further discussion and deliberation about the request before the board.

The public hearing was closed at this time. *A motion was made by Member Ross, seconded by Member Lawrence, to deny PAB 2016-16 to the City Commission requesting a Future Land Use Map (FLUM) assignment to High Density Residential and zoning change to R-3 from General Commercial Use and C-1 as described in PAB 2016-16 as presented is not sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time.* Member Ross inquired if the denial fails then the board would have to come up with a new motion to approve. City Attorney Bach replied correct. *Vote upon passage of the motion was taken by ayes and nays and was as follows:*

<i>Member Rogers:</i>	<i>Nay</i>
<i>Member Beal:</i>	<i>Nay</i>
<i>Member Ross:</i>	<i>Aye</i>
<i>Member Lawrence:</i>	<i>Aye</i>
<i>Member Morrill:</i>	<i>Nay</i>
<i>Member Bennett:</i>	<i>Nay</i>
<i>Chair Lane:</i>	<i>Nay</i>

Motion failed.

A motion was made by Member Morrill, seconded by Member Rogers, to approved PAB 2016-16 to the City Commission requesting a Future Land Use Map assignment of High Density Residential

and zoning change to R-3 from General Commercial Land Use and C-1 as described; and that PAB 2016-16 as presented is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Nay
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.2. PAB 2016-17 - FRANK D. KUITEMS, 1940 S. FLETCHER AVENUE - ZONING MAP AMENDMENT - (PAB 2016-17), ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL.

Ms. Gibson explained this parcel totals roughly .41 acres and was currently operating as a nonconforming land use. She stated at present it has a long term rental occupied at the property, and it was a duplex. She pointed out the request was the assignment of high density residential land use and R-3 zoning. She commented the intent was to maintain its current nonconforming status and remove that nonconformity. She explained there were no development plans associated with the property. She stated directly across the street and directly north of the property are high density residential zoning and adjacent to it is commercially zoned property that are resort style in nature. She reported upon review of consistency of the request staff recommends approval.

Member Ross inquired when the duplex was built how did it get zoned commercial. Ms. Gibson replied it may have been built prior to the current zoning was in place (1971). She commented through the digitizing of maps this property may have been overlooked and zoned commercial or the City may have wanted to see it be commercially developed. She explained with the development surrounding this property it was logical that an R-3 zoned district would be appropriate for this property.

Mr. Jon Lasserre, agent for the applicant, explained his grandparents purchased this property in 1973 and he grew up here until it was sold in 1999. He stated it was zoned commercial because the City wanted that whole area to go commercial. He concurred with staff and commented this was clearly a prime example of transitional zoning.

Member Ross inquired why the applicant was opposed to keeping it commercial. Mr. Lasserre explained when they bought it they intended to assemble the three lots with 215 feet on the oceanfront to build a hotel. He stated since then they sold two lots for the development of a hotel and were now seeking R-3 for this parcel. He pointed out this has been residential use since 1971 and the intent was to keep it as residential use. Member Beal pointed out that this property could not be assembled with the commercial property to south due to the prohibition of assembling more than 100 feet. He stated this would have to be a standalone commercial site. Mr. Lasserre replied correct and explained that was why the assemblage didn't work.

The public hearing was opened at this time and there being no comments from the floor the public hearing was closed. Member Ross again expressed his opposition to turning commercial property into residential. **A motion was made by Member Beal, seconded by Member Rogers, to recommend approval of PAB 2016-17 to the City Commission requesting a Future Land Use Map assignment of High Density Residential and zoning change to R-3 from General Commercial land use and C-1 zoning as described; and that PAB 2016-17 as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Aye
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.3. PAB 2016-18 - THE ASPIRE AT AMELIA II, LLC, 3017 & 3021 AMELIA ROAD - ZONING MAP AMENDMENT + LAND USE MAP AMENDMENT + VOLUNTARY ANNEXATION - REQUEST FOR VOLUNTARY ANNEXATION INTO THE CITY OF FERNANDINA BEACH, ASSIGNMENT OF A FUTURE LAND USE CATEGORY OF MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL LOW-MEDIUM (RLM) ZONING

Ms. Gibson explained this request was for a voluntary annexation of roughly 7.91 acres of land located at Simmons Road and Amelia Road. She stated the property has two single family homes and pasture land. She pointed out the Nassau County land use and zoning carries an Open Rural designation and RS-2. She explained the request was for Medium Density Residential land use designation with a Residential Low-Medium zoning designation, which was consistent with the surrounding area of that property. She pointed out the property was recently purchased by Aspire at Amelia to be part of a complex of uses that would be an assisted living facility, while the property would be a standard single family subdivision site that will have access to the assisted living facility amenities on the adjacent property. She explained the request was consistent with Comprehensive Plan policies with respect to its public facilities, and was consistent with the Land Development Code. She stated the annexation would not represent an enclave and was a logical extension of the City's boundary.

Member Ross questioned if the current zoning was Open Rural. Ms. Gibson replied a portion of the property is (4.14 acres). Member Ross referred to the total units that could currently be put on that property and explained the answer was one per acre. He questioned how many units would be able to be put here. Ms. Gibson replied a maximum of 65 units. There was some discussion about this request noting the need to annex was to receive City water and sewer. The assisted living facility would be located directly behind it to the west.

Mr. Lasserre, agent for the applicant, introduced Mr. David Hink and Mr. Bruce Jasinsky with Aspire Development. He explained Open Rural allows one per acre, and there was no comparable City zoning. He stated they were going from medium density in the County to medium density in the City. He referred to the zoning of 8 units per acre and noted that was with Medium Density Residential in the City. He pointed out Residential Low-Medium was 6 units per acre. He explained due to the characteristics and

layout of the property the maximum units was in the 30 range given a 50 foot wide lot. He stated this request was standalone to be annexed into the City with appropriate zoning and FLUM designation. He pointed out the intent was to tie together this project with the adjoining C-2 project. He clarified there was no intention to make this the assisted living facility, because it would be single family homes for sale. He briefly provided a comparison with Osprey Village that has single family detached homes. It was noted there weren't many trees on this property, but once annexed the City's Tree Ordinance would apply to the project. The board noted with RS-2 it was about 3 units per acre and there were 3.77 acres under the RS-2 zoning. Member Ross noted 18 units would be allowed under the current County zoning.

Chair Lane inquired if the C-2 property would be owned by the same development. She noted that Osprey Village and those in Jacksonville are owned by the same group. She commented people own their private home, but they buy into that assisted living. Mr. Lasserre deferred to the developer and stated they are related entities with one for sale and one is not. Chair Lane questioned staff if the board would see the platting for the C-2 part. Ms. Gibson replied there is no platting associated with commercial development. Member Lawrence inquired if the single family homes would be sold with restrictive covenants of some type that tie them to the commercial property. Mr. Lasserre stated they would share amenities. There was a brief discussion about this.

The public hearing was opened at this time.

Ms. Marilyn Baggett, 820 Simmons Road, pointed out she also owns a home on Spanish Way. She explained they have an access gate where they can leave the subdivision and go along trail which has many trees. She pointed out on the map where there were entrances for the two single family homes. She expressed her concern with 40 units in this area and the increase to traffic from this area that currently only has two driveways. She stated this area is currently in the County with a lot of trees, and commented that would be a lot of traffic added to a small rural road. She provided further comments expressing her concern with the number of people coming in and out of that area.

Chair Lane inquired about the model for this subdivision. Mr. David Hink replied their model was either age restricted or age targeted. He explained the residents are looking for a broader place in the community and they are looking for the services, which was why they thought these homes would add value over other homes. Member Morrill inquired if there would be any covenants or deed restrictions. Mr. Hink replied absolutely and stated those haven't been put together yet. He explained they would be deed restricted in the type of landscaping, frontage, type of roof, limited character so they match together, etc. He commented it would be like a Homeowners Association (HOA) that has a clubhouse. He explained on the other parcel they are developing a large clubhouse for the members for the independent living participants as well as the assisted living participants. He stated the HOA monthly fee would be for maintenance of the exterior landscape and for privileges to use the dining and other facilities on the main campus.

Member Ross questioned if hypothetically they don't go forward with this project how many units could be placed on this property. Ms. Gibson stated she would give the board an exact figure momentarily and reminded the board Mr. Lasserre pointed out the zoning code restricts through the RLM zoning district to 6 units per acre. Member Ross noted in that area there are single family homes on big lots and questioned how this would fit in with that. Mr. Hink stated their interest was for single family homes in there, which would be supportive of the larger community. Member Ross commented those single family homes would be on much smaller parcels than what is in the neighborhood. Mr. Lasserre explained the Barrington subdivision has 23 lots and was approximately the same size as this property where they were talking about 30 so it was quite comparable. He referred to the surrounding property and stated they are

not departing dramatically from the character of the area. There was further discussion about this request and it was noted that it would annex immediately because it was contiguous to the City and would be under the City's Tree Ordinance and other ordinances. City Attorney Bach briefly explained when a property is annexed you have to assign a City zoning category.

Mr. Lasserre stated they were applying to be annexed and at the same time they were asking for a FLUM designation and zoning. Member Ross requested clarification of the annexation process. Ms. Gibson explained when someone comes to the City with a request to be annexed one of the things the City looks at is to find out if that property is contiguous to the City limits. She stated this property is contiguous so the City was requesting a voluntary annexation, because with them coming into the City now there was no need for an annexation agreement. There was further discussion to clarify the annexation process, and Ms. Gibson explained that with the RLM zoning at 6 units per acre including public rights-of-way you could have up to 52 units total. She pointed out this project would come back before the board for preliminary and final plat. She explained the board would see the streets and the layout of the lots at some point in the future because this will follow a subdivision process. Member Ross inquired if it was R-1 how many units could be built. Ms. Gibson replied 34 units and there was the minimum lot width of 75 feet.

Mr. Michael Waskew, 3105 Aja Court, explained his property abuts this land. He commented this was sticking in a higher density between two lower densities of housing, which makes no sense to him. He stated reading the zoning designation not only does it allow single family houses, but allows townhouses, duplexes, and triplexes. He noted this would allow for great flexibility in developing the property. He referred to Osprey Village and pointed out you can't resell your property except to Osprey Village. He noted that once this property is rezoned it is rezoned. He explained he was pleased to hear single family was proposed, and suggested that it be made 75 foot lots. He commented the neighbors would like to maintain the nature of the existing neighborhood. He pointed out there are wetlands on the commercial parcel directly behind his property, and whatever development is done will create runoff. He expressed his concern about the impact to their retention pond. He provided further comments about the proposed project and expressed his hope that the development understands that the neighbors want the zoning to reflect what they have now.

Mr. Tom Martin 3136 Aja Court, expressed his concern about the traffic because there is already a lot of traffic on Amelia Road. He commented adding another entryway was going to cause even more traffic. He explained he didn't see a big difference if R-1 restricts what can be built and is a 75 foot lot size, because he thought that was in keeping with what his subdivision has. He also expressed his concern about what happens to Barrington's retention pond when there is runoff from 30+ homes.

Member Bennett noted if they build this they would have to have their own retention. Mr. Lasserre stated the developer cannot tie into Barrington's retention pond without their consent. He pointed out there would be onsite retention on this property as well as the commercial property and be designed as to where the water would go if it were to overflow. He explained they were aware of the drainage in the area and it would have to be permitted through the St. Johns River Water Management District (SJRWMD). He stated although Medium Density Residential does allow single, duplex, triplexes, and condominiums the requested zoning, RLM only allows single family. He pointed out single family was the only housing type under RLM. He referred to the concerns about commercial traffic and commented it was not reasonable to take a commercial truck for the assisted living facility down Amelia Road. He stated there would be a major entryway through Amelia Island Parkway. Ms. Gibson explained the staff report points out the requirements for permitting for a subdivision and read a portion into the record. She referred to the questions about the future of Simmons Road and stated she has been working with Nassau County

there was a proposed 10 foot paved multi-use path that would go along Simmons Road connecting the beaches at South Fletcher all the way to Bailey Road. Mr. Lasserre commented his client has been working on that multi-use path as well, and they intend to dedicate 15 feet along Bailey Road to facilitate that path as well as land along Amelia Island Parkway. There was some discussion about the multi-use trail.

Member Ross questioned the choices with the zoning associated with this annexation. City Attorney Bach replied usually the choices are to keep it in line with what the County zoning is. It was noted there was not comparable zoning to Open Rural in the City. Member Ross inquired about the choices. Ms. Gibson replied the most reasonable fit was Medium Density Residential and RLM zoning. Member Ross argued that R-1 is the most comparable to Open Rural.

Ms. Lauree Hemke, 751 Barrington Drive, expressed her concern with the proposed zoning. She stated she didn't see why the zoning cannot be the same as Barrington or comparable. She also expressed her concern that if approved people would build at a higher density and she was concerned with the wetlands as well as the greenery around the property. She stated she didn't have a lot of faith in developers that say they are going to protect the trees. She explained she was also concerned with the roads and the traffic in the area.

Ms. Elsa Mitschele, 3105 Aja Court, pointed out currently there is a creek that runs along the entire proposed area and where she lives. She inquired about what would happen with that creek. She also inquired what they would do to differentiate that neighborhood from Barrington. Mr. Lasserre stated he was familiar with the wetland behind the Barrington subdivision on the Amelia Holdings property, which is in the City. He pointed out wetland property in the City cannot be touched, and would be protected by the City's regulations. He referred to trees and reported they would abide by the Tree Ordinance. He pointed out transitional zoning is important and there are a lot of uses under C-2 so this property would be stepping down the zoning. He clarified it was going from Intensive Commercial to Low to Medium Density to allow the development of this particular site. Chair Lane suggested the developer work with the Tree Conservancy in their planning. There was a brief discussion about this.

Ms. Mary Pitcher, 3116 Amelia Road, pointed out Amelia Road is a very narrow road with no shoulders. She stated she did not have any objection to any of this or the zoning with the exception of any entry or exit onto Amelia Road other than what is currently there. She suggested that the major entrance be off Amelia Island Parkway and no entry or exit onto Amelia Road.

Ms. Melinda Signorella, 3117 Aja Court, explained her house backs up to the retention pond and if there is no type of wall securing the area between their property and Barrington's pond she was concerned about the liability with that pond. She commented senior citizens could stumble out and fall into the pond. She questioned how this would be tying into Amelia Island Parkway, because she didn't want that to back up to her property either. Mr. Lasserre noted the concerns and explained they have to have a secondary access for the project. He pointed out that would be taken care of at the Technical Review Committee level. He stated the only logical entrance for heavy traffic would be from Amelia Island Parkway not from Amelia Road. He explained this was a logical move from C-2 to an area that is developing and growing. He pointed out there are three driveways along Amelia Island Parkway accessing two homes and a farm, and that would be reduced to one. He referred to the liability of the pond and explained each homeowners association would be responsible to be sure they are not negligent in maintenance and securing its border.

Mr. Dwight Ingram, 3135 Aja Court, expressed his concern about traffic congestion at Simmons and Amelia Road as well as over at 14th Street. He also expressed concern about the secondary access to the property onto Amelia Road. Mr. Lasserre explained the previous owner divided the property in this manner and the platting would come back to the board for approval. He pointed out that was not necessarily where the entrance would be.

Member Lawrence commented if this were annexed without consideration of the adjacent property it could be a standalone subdivision so there would be that traffic in and out without the potential of tying into something and a secondary exit. He explained he was starting to see the advantages of this with how it was being put together as a package to help alleviate some of the issues. He pointed out they might want to give the opportunity to people in Barrington to join the club, because it was really the same demographic. He questioned if the project was financially feasible as an R-1 project. Mr. Bruce Jasinsky, 645 Gaines Lane, explained they are trying to create a product where people were more than likely wouldn't be taking children to school every morning and would more than likely dine it at the facility. He stated these people are going to be less mobile than what a typical subdivision would be. He commented a typical R-1 subdivision would create that much more traffic. He referred to the question of financially could you do a few less and stated financially is one issue but another is logistically. He pointed out how many senior facilities do you go to where there are big yards and big houses. He explained they are trying to create a controlled environment with smaller lots and smaller houses, because these people would be stepping down. He commented the preliminary work after all the City codes are put in under the RLM zoning they only get about 30 units. He provided further comments about this concept. There was further discussion about this case noting that with R-1 zoning there could be 34 units. Ms. Gibson briefly outlined the next steps for this annexation request, the assignment of a Future Land Use Map category, and zoning designation that would go before the City Commission as three separate Ordinances. She pointed out the board in the future would see a preliminary plat and final plat associated with the development of the subdivision. She stated this property would be treated as a standalone subdivision regardless of the association/affiliation it will have with the assisted living facility. The board continued its discussion with the applicant with regard to the zoning for this project.

Ms. Gibson provided a brief clarification about the Technical Review Committee (TRC) process which includes various City departments to review the initial site plan, which then would move forward with the process of a preliminary plat. She further explained the process of the project moving forward.

The board took a brief recess at this time.

Chair Lane polled the board about moving the Port Master Plan item to the August. After a brief discussion, *the consensus of the board was to postpone the Port Master Plan discussion item to August.*

Member Ross noted this property is going to be annexed and have some residential designation. He commented it was a matter of whether it was going to be R-1 or RLM.

Mr. Michael Waskew, 3105 Aja Court, commented the residential development part of this would be treated as a separate parcel not connected to the development of the commercial parcel. He noted the separate parcel requires two means of egress not through an adjacent property. He pointed out there would be an access on Amelia Road and one onto Simmons or two onto Amelia Road. He stated the 182 people that live on parcel C would increase the traffic onto Amelia Road. He explained he wasn't opposed to development, but they want to be sure the board hears the neighbors' concerns and address them upfront.

Mr. Lasserre questioned staff if there was anything in the code that would prohibit the second access coming through Amelia Island Parkway if it was a dedicated easement across private property. He referred to the concern of people leaving the assisted living facility to exit onto Amelia Road and explained a gate was intended to prohibit that. Ms. Gibson stated the vehicular section is 4.04.02(e) and read there should be at least two vehicular access points to an improved right-of-way. There was a brief discussion about this and it was noted the TRC has reviewed the preliminary application for the assisted living facility.

The public hearing was closed at this time. **A motion was made by Member Bennett, seconded by Member Morrill, to recommend approval of PAB 2016-18 to the City Commission requesting that a voluntary annexation to the City limits be approved assigning the Medium Density Residential land use and RLM zoning category as described in PAB 2016-18; and as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Rogers:	Aye
Member Beal:	Aye
Member Ross:	Nay
Member Lawrence:	Aye
Member Morrill:	Aye
Member Bennett:	Aye
Chair Lane:	Aye

Motion carried.

4. **Comments by the public** – There were no comments from the public at this time.
5. **Board Business**
 - 5.1. **Sunshine Law Overview** – This was provided by the City Attorney at beginning of meeting after approval of Minutes.
 - 5.2. **Discuss Public Speaking Procedures** – City Attorney Bach commented that the board has bylaws, and she couldn't remember if there was a speaker limit. Chair Lane noted in the past the board opened up the speaking and there were times where the board has said it would have to be limited to three minutes. She explained she had no intention of cutting people off. She questioned if the board wanted to handle this on a case by case basis. Member Bennett explained part of the board's job was to hear from the public. He stated he rather leave it on a case by case basis, because sometimes it takes a little longer so that the public understands. Member Beal agreed with case by case. He commented when there is a chamber full the board may have to limit people especially if they start saying the same things over and over. He explained when you are passionate about something to be limited to three minutes and you are the only person in the audience it angers you. Member Lasserre agreed with a case by case basis, and pointed out tonight there were a lot of people and they were respectful. There was some discussion and deliberation about the best way to proceed, and it was noted in the past the board has asked speakers to limit themselves. The board also noted when an item gets so emotional it takes away from it, because people stop looking at the facts.

City Attorney Bach commented in her experience taking a recess will diffuse an issue and it works well when people are emotional. Chair Lane noted people get emotional with change. City Attorney Bach suggested a time set for the hearing or having an end time to the board's meeting. Chair Lane stated she likes the mix of the board discussing things and then hearing from the applicant and questions can be asked about that. Member Lasserre commented he had to appear before Nassau County's Code Enforcement Board three times over the last three months, and they begin their meeting going over the procedure. There was further discussion about having a procedure and Chair Lane requested the board's thoughts be sent to the City Attorney.

5.3. Discuss Port Master Plan and Comprehensive Plan Inconsistencies for OHPA Review (Continued Discussion from June Meeting) – During item 3.3 the board was polled, and *the consensus was to postpone the Port Master Plan discussion item to August.*

Board Agenda Materials - Member Ross referred to the timing of getting the board's agenda materials and explained where he used to live ten days before was a cutoff date. He pointed out for the cases he goes through the material and visit the sites. He questioned if there was a way to get it at least a week ahead of time. Chair Lane pointed out the board used to get material earlier, but staff was inundated with a lot of stuff. Ms. Gibson replied the internal procedure was to get it to the board one week in advance, and over the last four years she has had to push it back to the Friday before so there is at least the weekend to review as well as the days leading up to the meeting. She reminded the board of the special meetings back to back and explained with her becoming ill she was unable to get the information to the board. There was a brief discussion about this and getting materials to the board in an earlier timeframe.

City Attorney Bach pointed out the advertising requirements are ten days before, which is days before an agenda is even posted. She explained if staff was running behind it would appear on the agenda because it has been advertised. She commented if the board felt it was not prepared a motion can be made to postpone until the next meeting. There was further discussion about this and it was noted it was also up to the board members to do independent research to make decisions on facts.

6. Staff Report – Ms. Gibson reported the American Planning Association (APA) has selected the City's Comprehensive Plan to be reviewed for best practices as part of their sustaining places initiative, and for consideration as a pilot program to help with other small towns and communities. She explained she would receive more feedback about that later this year. She pointed out the City has a couple new brochures that an intern worked on (citizen's guide to tree and landscape requirements and bicycle safety).

The next regular Planning Advisory Board Meeting would be July 13th.

7. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:29 pm.

Secretary

Judith Lane, Chair

ORDINANCE 2016-27

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC) TO HIGH DENSITY RESIDENTIAL (HDR) FOR PROPERTY LOCATED AT THE CORNER OF FIRST AVENUE AND JOHN ROBAS STREET, TOTALING APPROXIMATELY 0.38 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the small-scale Future Land Use Map application number PAB 2016-16 at its July 13, 2016, meeting and recommended approval of the change to High Density Residential (HDR); and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on June 29, 2016.

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

SECTION 1. PROPERTY INVOLVED. The property identified for this change of the Future Land Use Map is located at the corner of First Avenue and John Robas Street and identified as Parcel ID # 20-3N-0000-0014-0010, totaling approximately 0.38 acres, and is shown on the map attached hereto as Exhibit "A".

SECTION 2. FUTURE LAND USE MAP CHANGE. For the property in question, the City's Future Land Use Map is hereby changed from General Commercial (GC) to High Density Residential (HDR).

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

ADOPTED this 20th day of September, 2016.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Mayor - Commissioner

ATTEST:

CAROLINE BEST
City Clerk

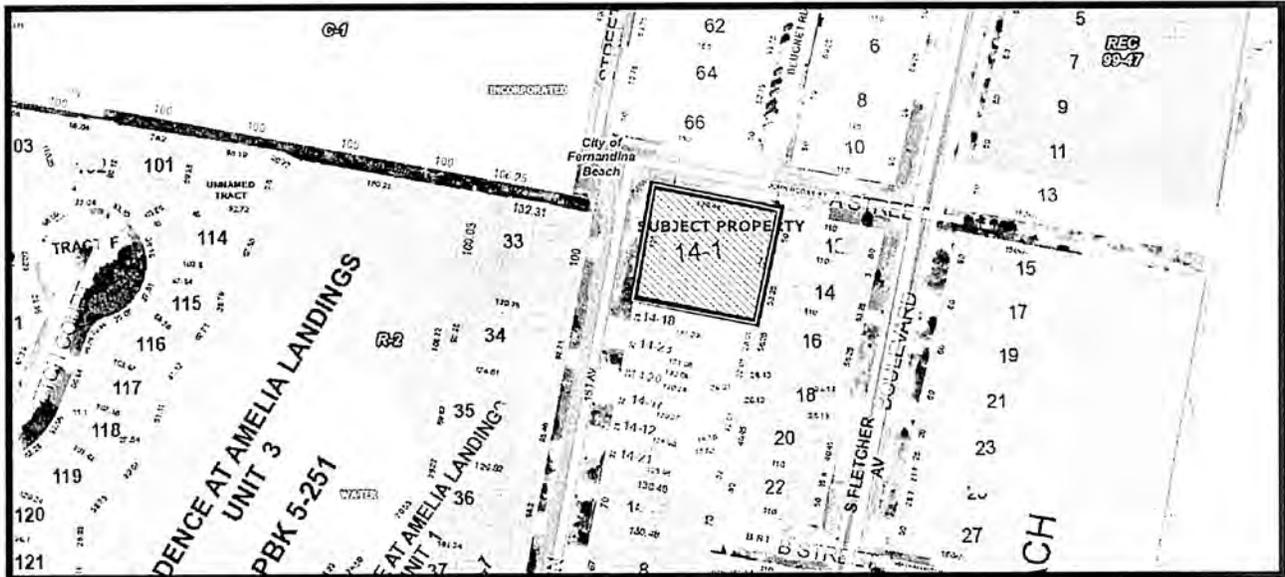
APPROVED AS TO FORM AND LEGALITY:



TAMMI E. BACH
City Attorney

ORDINANCE 2016-27
EXHIBIT "A"

PHOENIX INVESTMENTS, LLC (PAB CASE 2016-16), REQUESTING A FUTURE LAND USE MAP CHANGES FROM GENERAL COMMERCIAL (GC) LAND USE TO HIGH DENSITY RESIDENTIAL (HDR) LAND USE FOR VACANT PROPERTY LOCATED AT THE CORNER OF JOHN ROBAS STREET AND FIRST AVENUE AND IDENTIFIED BY PARCEL NUMBER 20-3N-29-0000-0014-0010, TOTALING 0.38 ACRES OF LAND.





**STAFF REPORT
PAB (LU/CZ) 2016-16
Planning Advisory Board Hearing
July 13, 2016**

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Phoenix Investments, LLC				
AGENT:	Roger Towers, P.A. – Jon C. Lasserre, Esq.				
REQUESTED ACTION:	Small Scale Future Land Use Map Amendment and Zoning Change				
LOCATION:	Corner of John Robas and First Avenue PIN# 20-3N-0000-0014-0010				
CURRENT LAND USE +	General Commercial (GC) and C-1 (Community Commercial)				
ZONING:					
PROPOSED LAND USE +	High Density Residential (HDR)/ R-3 (High Density Residential)				
ZONING:					
EXISTING USES ON SITE:	Vacant				
PROPERTY SIZE:	0.38 Acres				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Realty Office and City Fire Station	ERA Real Estate: 1975 and Fire Station 1979	C-1	General Commercial
	South	Townhouses	1998	C-1	Community Commercial
	East	Single Family Residential - Detached	1993/1974	R-2	Medium Density Residential
	West	Restaurant Parking and Single Family Residential- Detached	ERA Real Estate: 1989 and Home: 1991	C-1 + R-2	General Commercial and Medium Density Residential

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant is requesting assignment of the High Density Residential Future Land Use Map Category and R-3 zoning district to allow for the site to be developed as a residential project with the ability to have resort rental. The property previously sought the R-3 zoning in 2004 with the intent to develop three (3) townhome units. Although, the request received a recommendation for approval of the zoning change and for the requested "special use," the applicant requested the application be withdrawn prior to City Commission consideration. At this time, the applicant is requesting the land use and zoning change. Plans have not been provided about any potential development of the site. Site plans are not required to be reviewed as part of a future land use map amendment and zoning change request.

CONSISTENCY WITH THE COMPREHENSIVE PLAN (PLAN):

The property contains a Future Land Use Designation of General Commercial (GC), Policy 1.07.08. The applicant is requesting a new land use assignment of High Density Residential (HDR), Policy 1.07.06.

Policy 1.02.04 provides nine (9) factors for Future Land Use Map decision making which include, the type and density of surrounding uses, zoning districts within the surrounding area, and compatibility of uses within the surrounding area. Policy 1.02.06, 1.02.08, and 1.02.09 directs land uses which strive to protect the integrity and



**STAFF REPORT
PAB (LU/CZ) 2016-16
Planning Advisory Board Hearing
July 13, 2016**

stability of established residential areas from encroachment by incompatible development and providing for orderly transition of incompatible uses.

The property located at 1st Avenue and John Robas has historically has remained vacant commercial property. This requested use of High Density Residential is in keeping with the established pattern, zoning and use within the surrounding residential area. The requested HDR land use can be used as a transitional zoning district between the adjoining Medium Density Residential properties to the East and West and the General Commercial properties North and South. The townhouses located just south of this property are nonconforming under their land use and zoning of General Commercial/ C-1 and do not carry any residential density at this time. Future FLUM and Zoning updates to the overall maps should consider the existing use of the adjoining properties for consistency along the 1st Avenue block face.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Section 2.01.06 of the Land Development Code states the intent of R-3 High Density Residential, zoning classification. The R-3 zoning district allows for both single family residential developments as well as multifamily and the ability to have resort rentals.

Section 2.01.06 of the Land Development Code states the intention of the High Density Residential (R-3) zoning district as follows:

The R-3 District is intended for the development of high density residential uses allowing both single and multi-family dwellings. Bed and breakfast inns and resort rental dwellings may be allowed, subject to additional design standards. Limited neighborhood commercial uses may be allowed through the PUD process.

CONCLUSION:

The applicant's request is logical given the nature and characteristics of the surrounding resort style properties with commercial and recreational opportunities to the North and the nonconforming townhouse development at its South. Further, as evidenced in PAB Case 2016-08, properties located at 2158 and 2159 S. Fletcher currently operated under an active status as a grandfathered "resort rental." The adjoining townhouse complex may operate with less than monthly rentals because the property is commercially zoned (C-1), therefore the City would not maintain records of resort rentals at that location. The High Density Residential (HDR) land use and R-3 zoning represent a transitional district between the more intensive commercial properties and the adjoining residential properties. Therefore, staff recommends approval of the applicant's request.

MOTION(S) TO CONSIDER

I move to recommend (**approval or denial**) of PAB case number 2016-16 to the City Commission requesting a Future Land Use Map assignment of High Density Residential and zoning change to R-3 from General Commercial land use and C-1 zoning, as described and that PAB case 2016-16 as presented, (**is or is not**) sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

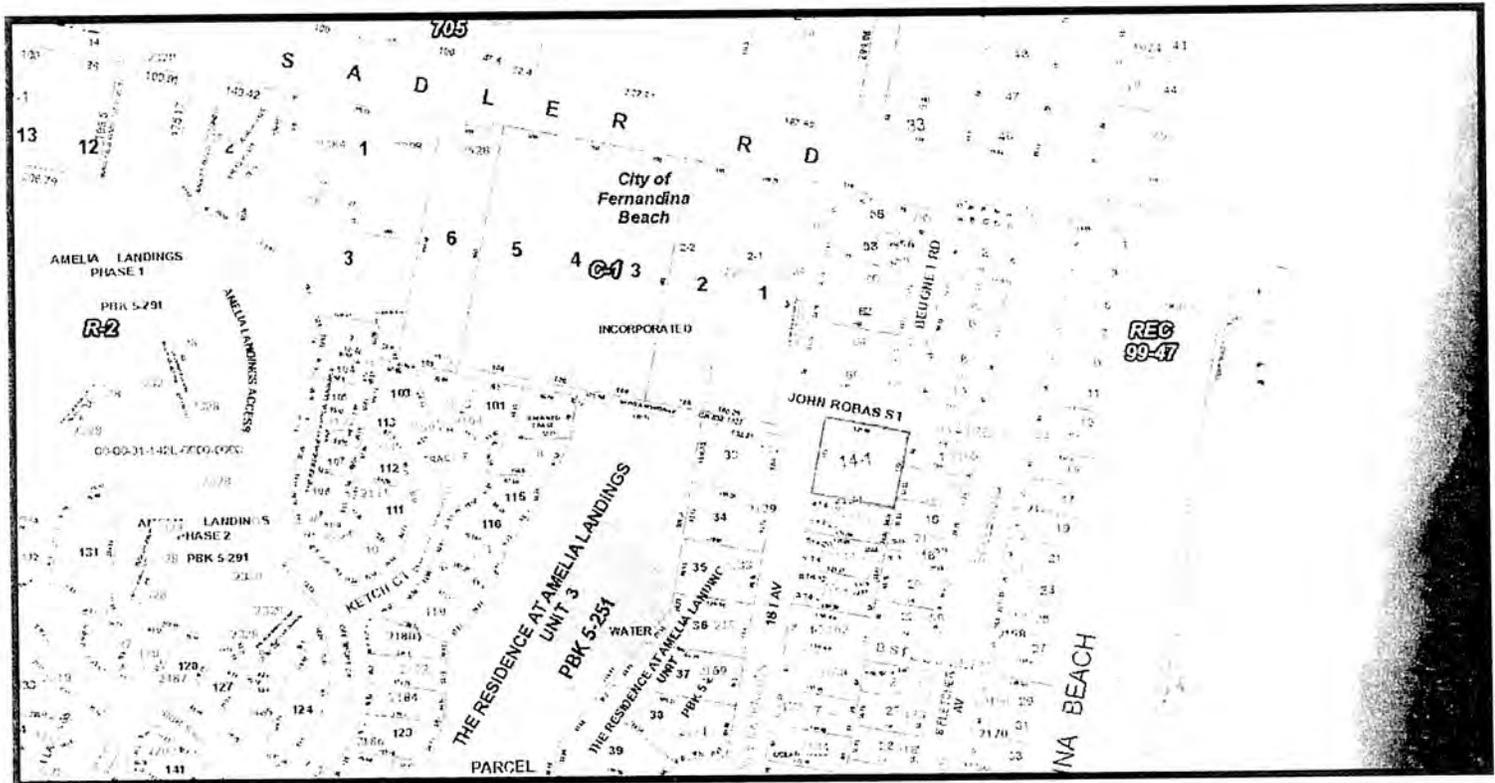
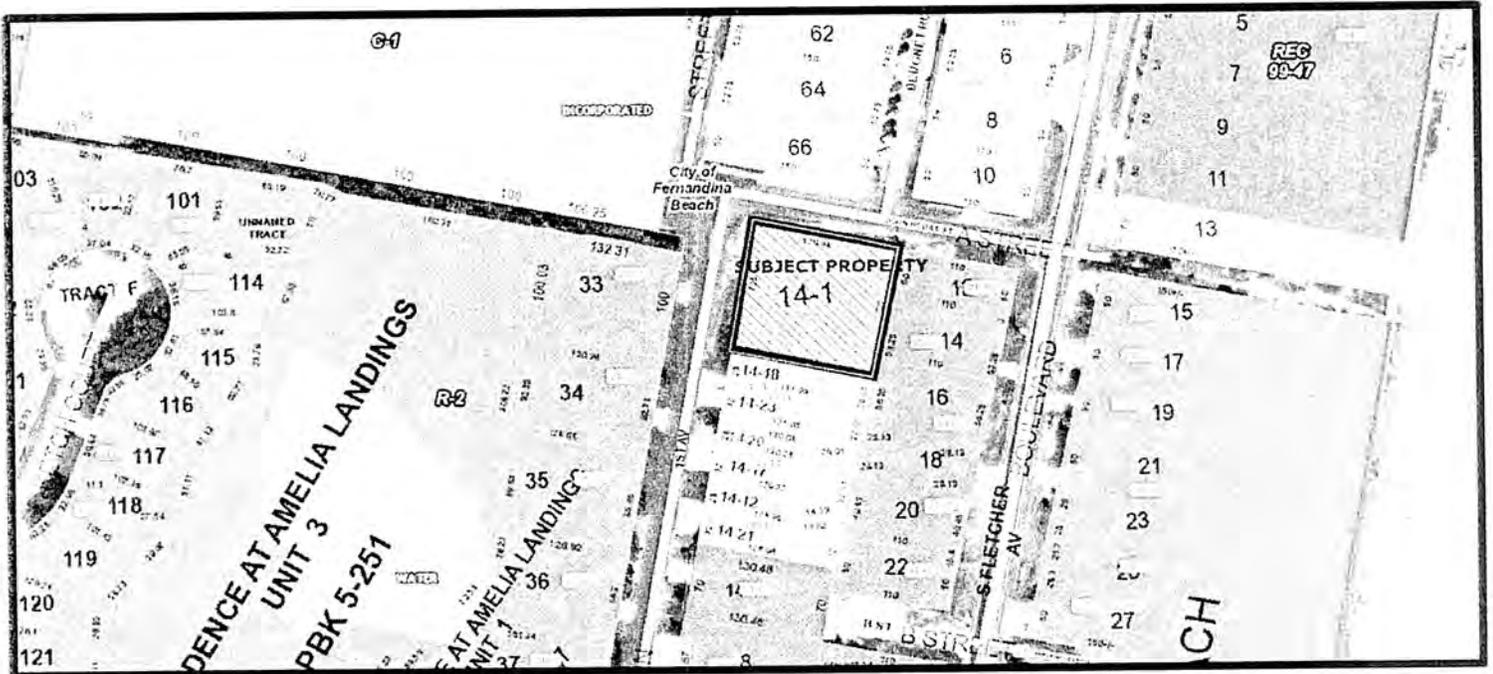
Submitted by:

Kelly N. Gibson, AICP
Senior Planner



STAFF REPORT
PAB (LU/CZ) 2016-16
Planning Advisory Board Hearing
July 13, 2016

EXHIBIT A





Civil & Environmental Engineering • Mechanical & Structural Engineering • Construction Management

March 22, 2004

Ms. Anne Catinna, Planning Director
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

**Re: Letter of Intent: Kuitem Property
1st Avenue Extension, Fernandina Beach, FL**

Dear Ms. Catinna:

Gillette & Associates, Inc., on behalf of Mr. Kuitem, is pleased to submit the application for the Future Land Use Map change, rezoning and special use of the above-referenced property. The attached application(s) reflects the intent to change the FLUM, rezone and request a special use for a 0.39 acre parcel in the City of Fernandina Beach. The requested FLUM change is from Medium Intensity Commercial to High Density Residential. The requested zoning change is from Commercial-1 (C-1) to Residential-3 (R-3). The requested special use is to construct within the Coastal Upland Protection Zone.

The proposed development of the property is for construction of 3 townhomes/ condominium units. No conceptual or site plans have been developed for this site at this time. The proposed use is consistent with the development pattern in the adjacent area.

Thank you for your time and consideration on this application, and please contact me at your earliest convenience with any questions that you may have.

Sincerely,

Nick E. Gillette, P.E.
Gillette & Associates, Inc
Principal & Engineer

C2 2004-23

**APPLICATION FOR ZONING AMENDMENT
PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH, FLORIDA**

1. APPLICANT'S INFORMATION

Applicant(s): Frank Kuitems Telephone: 904/ 491-3838
Address: 5209 Leeward Cove Drive Fax: 912/ 729-8888
Fernandina Beach, FL 32034 E-mail: _____

2. OWNER'S INFORMATION

Owner(s): Frederick Kuitems Telephone: 704/ 843-0120
Address: 8013 Agape Lane Fax: 704/ 843-6450
Waxhaw, NC 28173 E-mail: _____

3. APPLICANT'S AGENT

Name: Nick Gillette, P.E. Gillette & Associates, Inc. Telephone: 904/ 261-8819
Address: 20 South 4th Street Fax: 904/ 261-9905
Fernandina Beach, FL 32034 E-mail: nick@gilletteassociates.com

4. APPLICANT'S REGISTERED LAND SURVEYOR/ENGINEER

Name: James Peacock, Surveyor & Mapper Telephone: 904/ 261-8950
Address: 34 North 14th Street Fax: 904/ 277-6650
Fernandina Beach, FL 32034 E-mail: _____

Property Information:

5. Project Name: Frank Kuitem Lot

6. Street Address: First Avenue Extension

7. Lot Number: 14-1 Block Number: ~~14-1~~ Subdivision Hunters Addition

8. Section: 20 Township: 3N Range: 29E Nearest Street Intersection: John Robas Street

9. Parcel Identification Number(s): 20-3N-29-0000-0014-0010

10. Area: 0.39 acres Number of Lots/Parcels: 1

11. Existing Future Land use Map Classification: Medium Intensity Commercial

12. Proposed Future Land Use Classification: High Density Residential

13. Existing Zoning Classification: Commercial -1 (C-1)

14. Proposed Zoning Classification: Residential -3 (R-3)

15. Existing Land Use: Vacant

16. Proposed Land Use: Residential

17. Address of the applicant or agent, where correspondence may be sent.

Nick Gillette, PE Gillette & Associates, Inc
20 South 4th St., Fernandina Beach, FL 32034
Telephone number: 904/ 261-8819
Date of Submittal: 3/22/04

18. The undersigned having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

I (we) also understand that the application fee does not include the fees associated with engineering review and/or construction inspection. Fees for engineering review an/or construction inspection are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the City of Fernandina Beach for the services, inspections, reports, and the like required by the City of Fernandina Beach. I certify that no land clearing, excavation and/or filling has occurred on this property, and that no clearing, excavation and/or filling will commence prior to the issuance of a Land Clearing Permit. I do hereby agree to perform any authorized land clearing, excavation and/or filling in accordance with the approved site plan and the City of Fernandina Beach Land Development Regulations.

3-11-04
Date _____ Signature of Owner(s) or Agent _____

STATE OF FLORIDA }
COUNTY OF NASSAU }

SS:

Subscribed and sworn to before me this 11th day of March, 2004.

Dawn M Shelton
Notary Public: Signature

Dawn M Shelton
Printed Name

My Commission Expires: Feb 8, 2005



DAWN M. SHELTON
Notary Public, State of Florida
My comm. expires Feb. 8, 2005
Comm. No. DD 000270



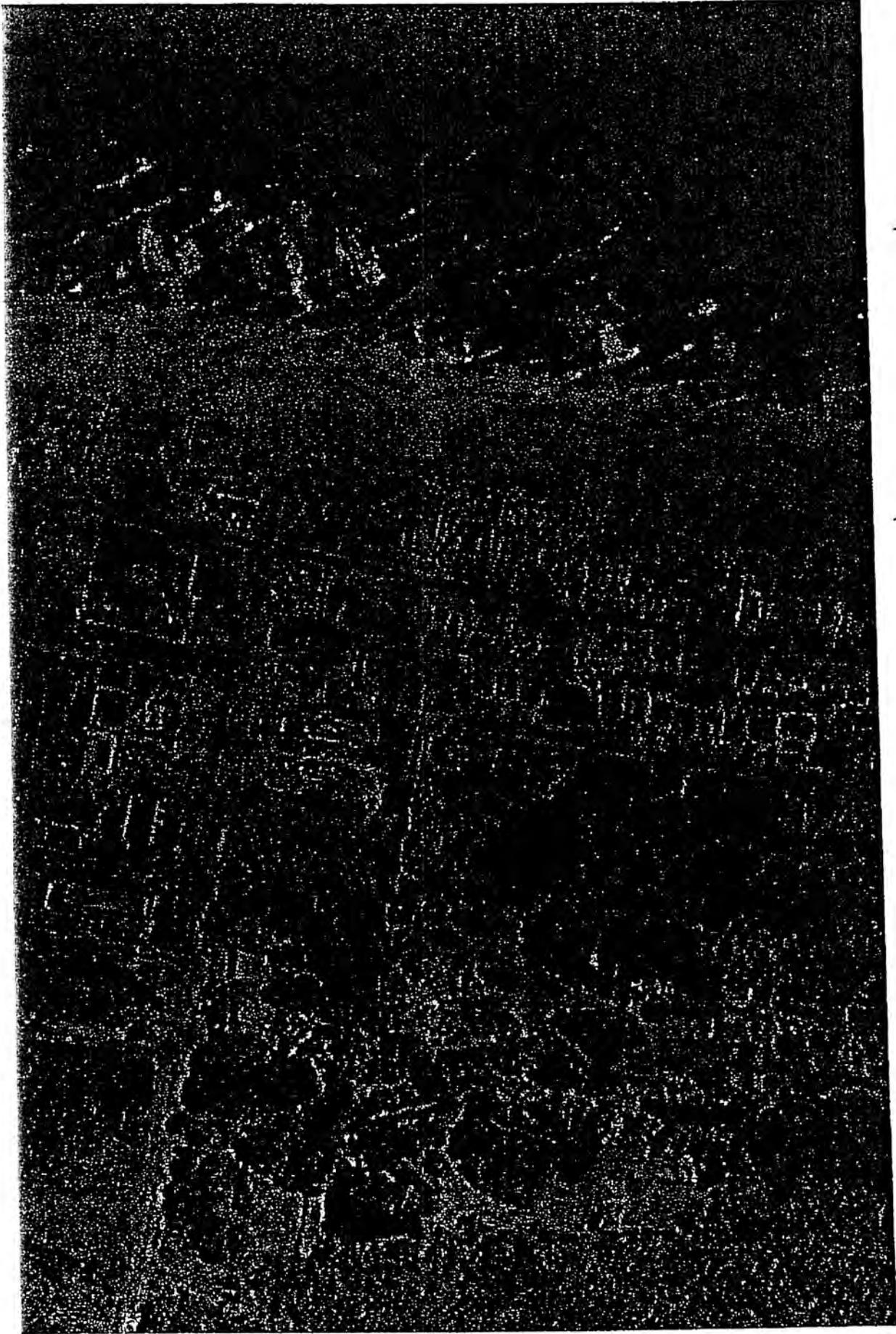
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subject
property

PROPERTY APPRAISER
OF NASSAU COUNTY

KELITE

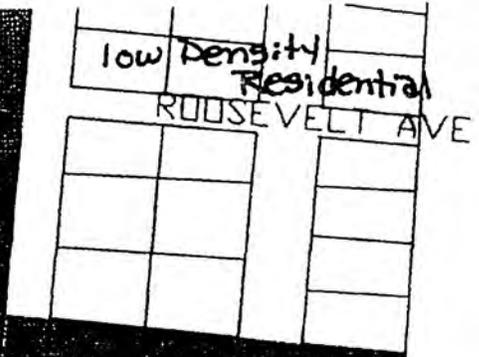
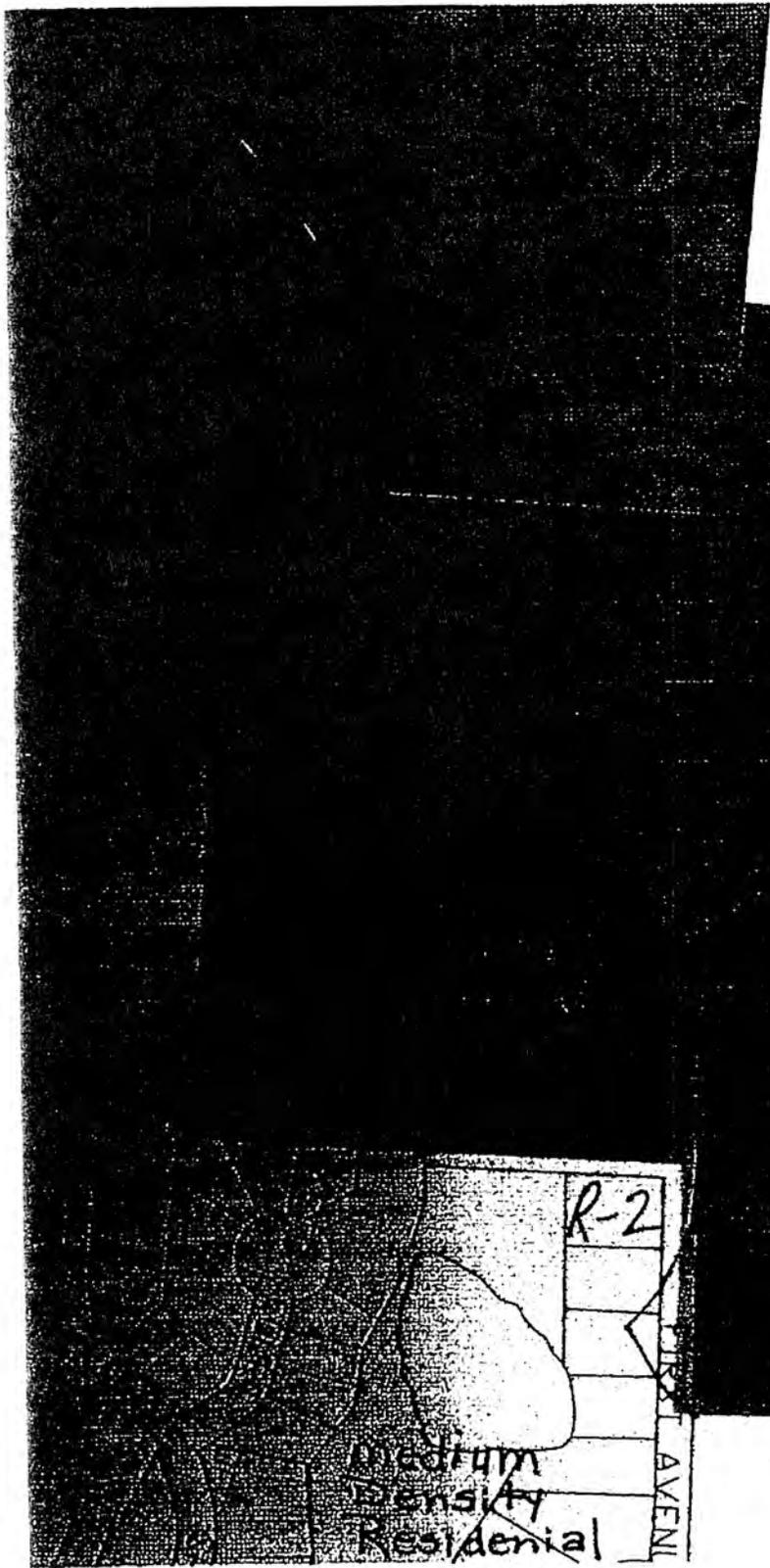
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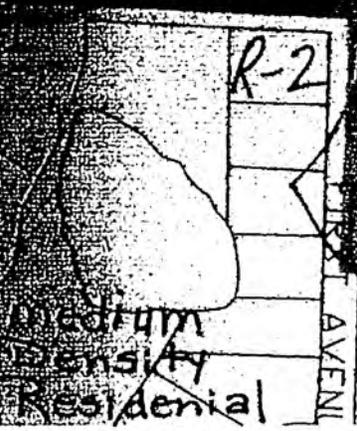
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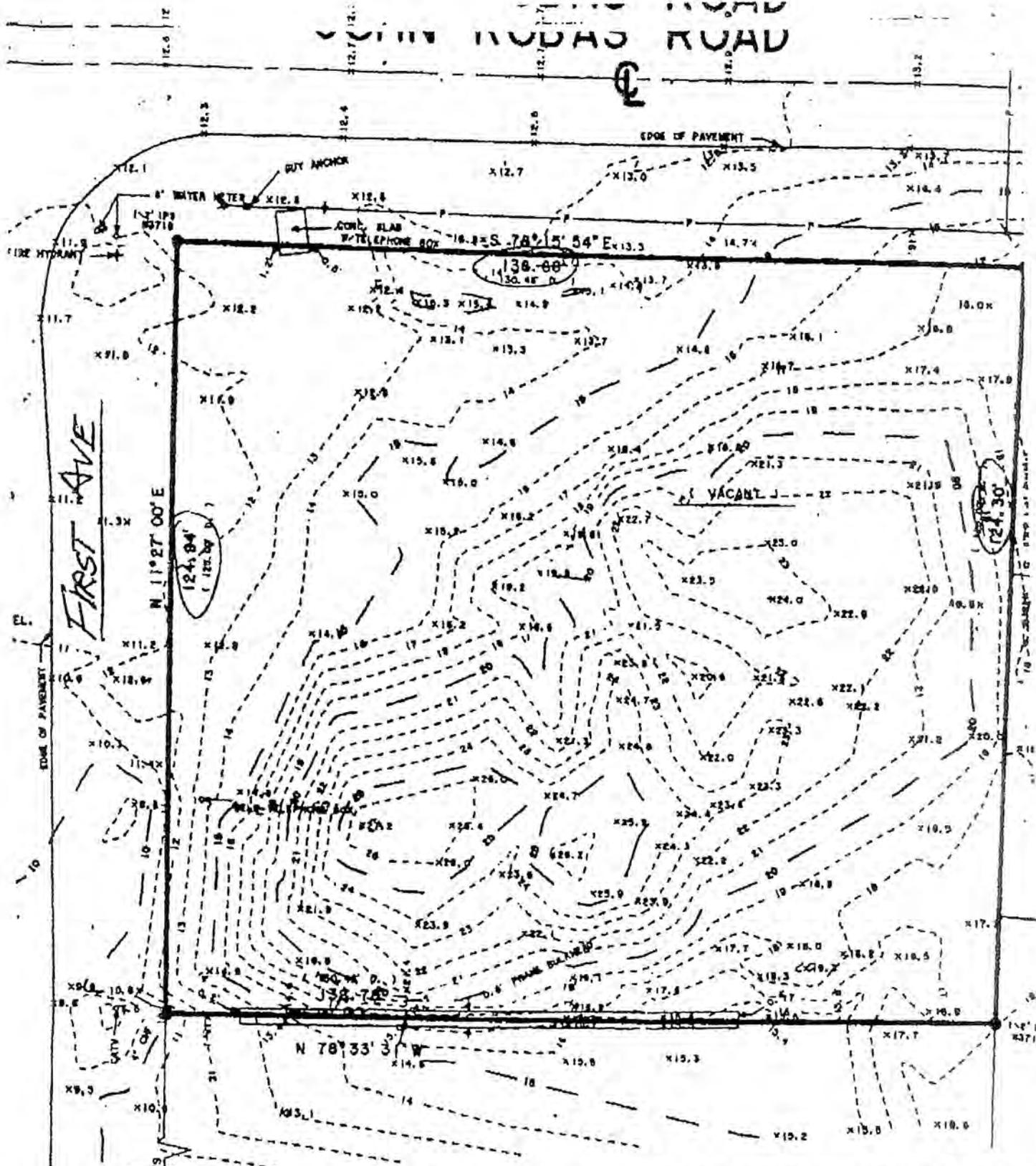
AZ

Subject Property



FLUM
2004-23

GOVT LOT 2, SECTION 2



MAP SHOWING BOUNDARY & TOPOGRAPHIC SURVEY OF A PORTION OF GOVT LOT 2, SECTION 2, TOWNSHIP 3, NORTH, RANGE 29 EAST, NASSAU COUNTY FLORIDA.
 By COASTAL LAND SURVEYORS Date of: June 6, 2001 - JAMES PEACOCK, SURVEYOR & MAPPER
 34 No 14th St Fernandina Beach, Florida 32032 Tel: 904-261-8950
 Florida Cert: 3718 Ga Cert: 2365 FAX 904-277 6650
 PARCEL ID# is 20-3N-29-0000-0014-0010

CHW 11556

STAFF REPORT
Request for Change in Zoning Classification
CZ 2004-23
.39 acres on First Ave at John Robas Rd

I. General Information

Applicant/Owner(s):

Frank Kuitems/Frederick Kuitems
5209 Leeward Cove Dr
Fernandina Beach, FL 32304

Agent Name:

Nick Gillette, P.E.
Gillette & Associate, Inc
20 South 4th St
Fernandina Beach, FL 32034

Requested Action:

Change of Zoning from C-1. Community Commercial
District to R-3, Multiple Family District

Applicable Regulations:

Chapter 98- Administration
Article III - Administration and Enforcement
Chapter 126 - Zoning, Article III - Districts
Division 6, R-3, Multiple Family District

II.

Legal:

Block 10, Lot 14-1 of Hamby's Addition as recorded in
Book 1020, page 456

Lot Size:

.39 Acres

Existing Land use:

Vacant

Surrounding Land Uses:

North - ERA Realty
South - Residential
East - Residential
West - Residential

Zoning Classification:

CI Community Commercial District

Surrounding Zoning

North - C-1

South - R-2

East - R-2

West - R-2

Existing FLUM:

Surrounding FLUM

North - Medium Intensity Commercial

South - Medium Density Residential

East - Medium Density Residential

West - Medium Density Residential

Medium Intensity Commercial

III. Analysis

This is a small tract slightly less than one acre (15,060 sq. ft.) The site is located on the northeast corner of the intersection of John Robas St. and South Fletcher Avenue. 1st. Ave.

The applicants plans to construct three two-story town homes on the site and requests that the zoning classification be changed from C-1 to R-3 to allow him to do so.

The R-3 zoning classification is intended for the development of medium and high density multiple family residential units or other related uses as designated in the comprehensive plan. The site is directly adjacent to a R-2 one-and two family district and to a PUD with underlying zoning of R-2

High The character of the development will comply with the comprehensive plan density restrictions of the ~~Medium~~ Density Residential classification of ~~4-8~~ units per acre. This is a major issue in determining if "spot zoning" is being created. Spot zoning is usually rezoning of a parcel, usually small, to a zoning classification that is dissimilar to the zoning of the surrounding property. Zoning changes affecting small areas may be considered transitional zones between sharply contrasting districts. Such buffer zones often involve multi-family housing.

The change of zoning classification from C-1 to R-3 does not change the character of the neighborhood in an adverse way. Development of the site will require site plan review by the Technical Review Committee.

IV. Findings

The applicant's requested change in the Zoning District classification from C-1 Community Commercial to R-3 Multiple Family District appears to be consistent with Sec. 126-181 "Intent." "The R-3 district is intended for the development of medium and high density multiple family residential units or other related uses as designated in the comprehensive plan. In addition, the change is requested jointly with an application for a City of Fernandina Beach Future Land Use Map (FLUM) classification change from Low Intensity Commercial to High Density Residential. Staff does not offer a recommendation on this application. 7


Anne Catinna, Planning Director



City of Fernandina Beach

PLANNING DEPARTMENT

AGENDA

LOCAL PLANNING AGENCY
SPECIAL MEETING

AND

PLANNING ADVISORY BOARD
SPECIAL MEETING

WEDNESDAY, MAY 26, 2004

6:00 PM

CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FLORIDA 32035

- I. Call to Order
- II. Roll Call / Determination of a Quorum
- III. Old Business Local Land

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

- A. Land Use: LU 2004-24 to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential.

- IV. Old Business Advisory Board

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

- A. Annexation: AX 2004-24 to annex into the City Boundary.
- B. Zoning Amendment: CZ 2004-24 to change the zoning map classification from County Open Rural (OR) to City One and Two Family Zoning District (R-2).

- V. New Business Local Land:

→ **Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robb Street:**

- A. Land Use 2004-23: to change the Future Land Use Map classification from Medium Intensity commercial to High Density Residential

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

- B. Land Use 2004-37: to change the Future Land Use Map classification from County Intensive Commercial (CI) to City High Intensity Commercial C-1.

VI. New Business Advisory Board

→ Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:

- A. Zoning Change 2004-23: to change the classification from Commercial (C-1) to Residential (R-3)
- B. Special Use 2004-23: to allow for construction of three townhome units

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

- C. Annexation 2004-37: to annex into the City boundary.
- D. Zoning Change 2004-37: to change the classification from County Commercial Intensive (CI) to city Commercial (C-1).

Reggie & Holly Bradford, 1240 South Fletcher Avenue:

- E. Special Use 2004-35: for the construction of a single-family home in the Coastal Protection Zone in an R-1A: Single Family Dwelling District.

VII. Board Business:

VIII. Adjournment

NEXT PLANNING ADVISORY BOARD MEETING:
WEDNESDAY, JUNE 9, 2004

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 277-7305, TTY 277-7399, or through the Florida Relay Services at 1-800-955-8771 (TTY number for all City offices) at least 24 hours in advance to request such accommodations.

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 Planning Department. If any person decides to appeal any decision made by the Planning Advisory Board with respect to any matter considered at such meeting 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 made.

MINUTES

PLANNING ADVISORY BOARD
SPECIAL MEETING
WEDNESDAY – MAY 26, 2004
6:00 PM

CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FLORIDA 32034

I. Call to Order

Chairman Wilking called the meeting to order.

II. Roll Call/Determination of Quorum

Board Members Present

J. Peter Wilking, Chair
Richard Bradford
William A. Conger
Paul Condit
David Beal (Alternate)

Horace B. Clark III, Vice Chair
Mark Bennett
Marilyn Williamson
Renea Scott Rice (Alternate)

Others Present

Anne Catinna, City Planner
Anita Louise Ross, Recording Secretary

Chairman Wilking welcomed Mr. Beal and Ms. Rice as alternates to the PAB. He referred to the Minutes from the April 28, 2004 meeting for the Board's consideration. Board Member Williamson corrected the number to be 1.03.01 on page 3 the first paragraph. Board Member Conger referred to page 2 the sentence that refers to objective 11.1 and requested that this be clarified. A motion was made by Board Member Conger, seconded by Board Member Clark, to approve the Minutes of April 28th subject to the clarification of page 2. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

III. Old Business Local Land

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

A. Land Use: LU 2004-24: to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential.

A motion was made by Board Member Bradford, seconded by Board Member Condit, to adjourn as PAB and convene as the Local Planning Agency. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

MINUTES
Planning Advisory Board
May 26, 2004

The Board took a brief recess at this time.

V. New Business Local Land

Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:

A. Land Use 2004-23: to change the Future Land Use Map classification from Medium Intensity commercial to High Density Residential

Ms. Catinna referred to the staff report #3 analysis and pointed out the factors that have to be looked at for compatibility. Board Member Clark questioned the statement in the findings that says medium density residential. Ms. Catinna corrected the findings to reflect that the FLUM amendment request from Medium Density Commercial to High Density Residential would be consistent with the intent of the Comprehensive Plan and should be changed to High Density Residential. Board Member Clark noted that the report showed that the furthest property was located at the northwest corner of First and Robles and stated that it should be the southeast corner. Board Member Bennett commented that the support documents show that this site is 15,060 square feet and noted that this was inconsistent with the .39 acres that is shown elsewhere in the documents. Mr. Gillette replied that it is .39 acres. There was a brief discussion about this topic.

Mr. Gillette stated that as part of the Special Use they were trying to have three units on .39 acres. He explained that the R-3 zoning was so that they could put three units together. He commented that the Special Use shows that they have drainage. He stated that it is compatible with the land use of High Density Residential that they were asking for and is a good transition from the Medium Intensity Commercial to the north and the commercial to the south that has a residential development that is of a high density nature. Board Member Clark inquired if with R-3 zoning was it possible for someone to put more than three units on that lot. Mr. Gillette stated that .39 acres times 10 units per acre was 3.9 and they would exceed it went to 4 units. Board Member Bennett inquired if all of the dune would be retained on the site. Mr. Gillette commented that there are some contours that are challenging and they would be retaining a good bit of it.

Mr. Frank David Kuitens, 5209 Leeward Cove, explained that his intent was to build on this property that he was in the process of buying from his father. He stated that the property to the south is in C-1 zoning and on that 120 feet there are four units. He requested half of what that property got. A motion was made by Board Member Condit, seconded by Board Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Board Member Clark inquired if there was a problem with changing the land use and having an island of commercial to the south of it even though the current use is residential. Ms. Catinna stated that it is transitional zoning from a lower use to a higher use and it is an acceptable practice. Mr. Gillette commented that they were on the other side of the road from the commercial and adjacent to the property is residential. After some discussion about this area, City Attorney Braga stated that on the map the property that is immediately to the south is actually commercial zoned designation, but has a residential use on it. She requested clarification because the staff report says to the south is residential and zoned residential. Ms. Catinna replied that it is R-2 to the south. Mr. Gillette stated on the map it is

MINUTES
Planning Advisory Board
May 26, 2004

shown to be C-1 and explained that he was not sure if the maps were current. He noted that it was developed residential. After reviewing the information, Ms. Catinna stated that looking at the FLUM to her is was medium density residential south. Board Member Clark referred to the southern portion of the little gray appendage that points to the south. Ms. Catinna stated that is commercial. **A motion was made by Board Member Condit, seconded by Board Member Williamson, to forward to the City Commission approval of LU 2004-23.** Board Member Conger noted that there would be low intensity commercial to the south of it and to the north of it. He questioned putting high density residential between two commercial districts. Chairman Wilking noted that this was a valid point and commented that you have to also look at the current uses. Mr. Gillette explained that they were changing medium intensity commercial and high density residential is a good transition from medium intensity commercial down to a residential use. After further review of the information in the packet and discussion about this request, there was a suggestion made to change the FLUM and zoning for that parcel or parcels to the south. There was some further deliberation about the appropriate land use for this property. Chairman Wilking inquired if there was any reason to deny this to prevent creating the enclave. City Attorney Braga stated that the staff should answer this question in regard to spot zoning because they are the sworn parties and give the Board testimony upon which to base their decision. Ms. Catinna stated that she believe it creates spot land use, but on the other hand looking at the uses it isn't. Board Member Clark suggested that the Board could have a motion something to the affect that this be approved and recommend that staff use the City's authority to initiate a land use change for the commercial parcels to the south. After a brief discussion about the suggestion, City Attorney Braga stated that based on all the evidence heard the Board had substantial competent evidence. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Board Member Condit:	Aye
Board Member Williamson:	Aye
Board Member Bradford:	Aye
Board Member Conger:	Nay
Board Member Bennett:	Aye
Board Member Clark:	Aye
Chairman Wilking:	Aye

Motion carried.

MINUTES
Planning Advisory Board
May 26, 2004

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

B. Land Use 2004-37: to change the Future Land Use Map classification from County Intensive Commercial (CI) to City High Intensity Commercial C-1).

The Board deviated from the agenda to hear the next item on the agenda.

VI. New Business Advisory Board

Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:

A. Zoning Change 2004-23: to change the classification from Commercial (C-1) to Residential (R-3)

A motion was made by Board Member Condit, seconded by Board Member Bradford, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna gave an overview of the request as contained in the agenda support documents. There was some deliberation about the information presented in the agenda support documents. Chairman Wilking corrected 4 to 8 units per acre to 10 units per acre and high density instead of medium density. Board Member Clark questioned if spot zoning was ok if it serves a transitional purpose of a small parcel. Ms. Catinna replied yes.

Mr. Gillette referred to his prior testimony and was available for questions. A motion was made by Board Member Williamson, seconded by Board Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. A motion was made by Board Member Bradford, seconded by Board Member Williamson, to forward to the City Commission a recommendation of changing from C-1 Commercial to R-3. City Attorney Braga stated that based on all the evidence in the packet and the evidence presented as testimony there was substantial competent evidence.

Vote upon passage of the motion was taken by ayes and nays and was as follows:

Board Member Bradford:	Aye
Board Member Bennett:	Aye
Board Member Clark:	Aye
Board Member Williamson:	Aye
Board Member Conger:	Nay
Board Member Condit:	Aye
Chairman Wilking:	Aye

Motion carried.

B. Special Use 2004-23: to allow for construction of three townhome units

A motion was made by Board Member Condit, seconded by Board Member Clark, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna explained that Special Use permits are suppose to look at the environmentally sensitive land issues of the site that is being developed. She stated the Special Use permits are not to discuss zoning changes, Ordinances, or clarifications of Ordinances. She

MINUTES
Planning Advisory Board
May 26, 2004

explained that if there is a need for a clarification of an Ordinance that should be directed by the PAB to the Board of Adjustment to make a determination. She gave an overview of the request as contained in the agenda support documents.

Mr. Gillette referred to the drainage plan and stated that it shows spot elevations that go from the finished floor elevation down slightly for drainage reasons and then back up to the natural grade. He explained that there was roughly a twenty-foot transitional area on the eastern face of the building. He stated that this would preserve a range of 20-50 feet of width of that dune. Chairman Wilking inquired if plans were to redistribute the sand there or remove it from the site. Mr. Gillette referred to the cut and fill calculations and stated that they would be removing a little bit. He commented that a lot was reshaping with the exception of the northeast corner which is the true largest part of the dune that will remain as un-impacted as possible. Board Member Clark inquired if the application was leaving options open by putting townhomes/condominiums. Mr. Gillette replied yes. A motion was made by Board Member Williamson, seconded by Board Member Bennett, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. A motion was made by Board Member Bennett, seconded by Board Member Williamson, to approve SU 2004-23 as presented. City Attorney Braga stated that based on all the evidence presented especially the plans submitted by the engineer there was substantial competent evidence. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

The Board returned to being the Local Planning Agency to hear the item that was skipped over earlier.

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

B. Land Use 2004-37: to change the Future Land Use Map classification from County Intensive Commercial (CI) to City High Intensity Commercial C-1).

A motion was made by Board Member Condit, seconded by Board Member Clark, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna gave an overview of the request as contained in the agenda support documents. Chairman Wilking noted that this case also has an annexation application. Ms. Catinna referred to staff findings and explained that the request from Nassau County Commercial Intensive to City General Commercial (GC) would be consistent with the Comprehensive Plan. Chairman Wilking requested to hear the annexation request first and vote on each application individually. There was a consensus to hear the annexation request first.

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

C. Annexation 2004-37: to annex into the City boundary.

Ms. Catinna gave a brief overview of the request as contained in the agenda support documents. Board Member Clark referred to the surrounding land uses and requested clarification. Ms. Catinna stated that it had been corrected and explained that an email had been sent. Board Member Clark noted that north was Publix shopping center, south was mixed use industrial uses, east is a bank, and west is a shopping center. He stated that the south actually looked to be about 60% residential and 40%. Mr. McCranie explained that there were a couple of commercial and there was some residential. He stated that he thought

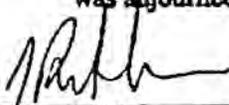
Board Member Clark suggested having staff pursue changing the Land Use and Zoning for that little commercial enclave that was just created south of the Kuitens property.

Board Member Bradford inquired if there was anyway to eliminate the area that was made with Ocean Breeze and annex something in that we annexed. The particular parcel that they are trying to annex to the zoning that they want done rather than having something hanging out there that's not compatible to City zoning. (Please reword this to make it make sense.) City Attorney Braga stated that the way to do it is to try to keep everything together, however in this case it just didn't happen. She explained that under State Law they are required to file within 2 months and the City gives them 6 months under City Ordinance. She commented that she thought the City needed to keep better track of them to make sure that they file when they are suppose to file. There was some further discussion about this topic.

*See Mr. Bradford
Edits*

VIII. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned at 9:14 p.m.



J. Peter Wilking, Chairman



Horace B. Clark III, Vice Chair

Planning Advisory Board
Action Taken
MAY 26, 2004

FORWARD TO CITY COMMISSION FOR REVIEW:

APPROVED:

Frank Knitem's 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robas Street:

LU 2004-23: to change the Future Land Use Map classification from Medium Intensity commercial to High Density Residential

CZ 2004-23: to change the classification from Commercial (C-1) to Residential (R-3)

SU 2004-23: to allow for construction of three townhome units

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

LU 2004-37: to change the Future Land Use Map classification from County Intensive Commercial to City General Commercial.

AX 2004-37: to annex into the City boundary.

CZ 2004-37: to change the classification from County Commercial Intensive (CI) to city Commercial (C-1).

Reggie & Holly Bradford, 1240 South Fletcher Avenue:

SU 2004-35: for the construction of a single-family home in the Coastal Protection Zone in an R-1A: Single Family Dwelling District.

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

AX 2004-24: to annex into the City boundary.

DENIED - FORWARDED PAB RECOMMENDATION:

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

CZ 2004-24: to change the zoning map classification from County Open Rural (OR) to City One and Two Family Zoning District (R-2). PAB RECOMMENDS R-1A

LU 2004-24: to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential. PAB RECOMMENDS LOW DENSITY RESIDENTIAL

WR

MEMORANDUM

TO: Robert T. Mearns, City Manager
FROM: Anne Catinna, ~~Planning Director~~ *Planner II*
DATE: June 9, 2004
RE: Planning and Zoning Bi-Weekly Status Report

The following applications were forwarded to City Commission by the LPA at their May 26, 2004 meeting with a recommendation to approve:

Local Planning Agency

- LU 2004-23: Frank Kuitems, 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robas, Street to change the Future Land Use Map classification from Medium Intensity Commercial to High Density Residential.
- LU 2004-37: Sadler Crossings, 3.68 acre parcel located at 1458 Sadler Road, to change the Future Land Use Map classification from County Intensive Commercial to City General Commercial.

The following application was forwarded to City Commission by the LPA at their May 26, 2004 meeting with a recommendation to deny

- LU 2004-24: Delmar Villas, 3.6 acre parcel located at 722 & 734 Simmons Road, to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential. (At the applicant's request, this case has been tabled until July 6 /city Commission meeting)

Planning Advisory Board

The following applications received a recommendation of approval by the PAB at the May 26, 2004 meeting and were forwarded to City Commission:

- Frank Kuitems 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robas Street:
 - CZ 2004-23: to change the zoning classification from Commercial (C-1) to Residential (R-3)
 - SU 2004-23: to allow a special use for the construction of three townhome units.
- Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:
 - AX 2004-37: to annex into the City boundary.
 - CZ 2004-37: to change the classification from County Commercial Intensive (CI) to City General Commercial (C-2).

MINUTES

PLANNING ADVISORY BOARD
SPECIAL MEETING
WEDNESDAY – MAY 26, 2004
6:00 PM

CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FLORIDA 32034

I. Call to Order

Chairman Wilking called the meeting to order.

II. Roll Call/Determination of Quorum

Board Members Present

J. Peter Wilking, Chair
Richard Bradford
William A. Conger
Paul Condit
David Beal (Alternate)

Horace B. Clark III, Vice Chair
Mark Bennett
Marilyn Williamson

Renea Scott Rice (Alternate)

Others Present

Anne Catinna, City Planner
AnitaLouise Ross, Recording Secretary

Chairman Wilking welcomed Mr. Beal and Ms. Rice as alternates to the PAB. He referred to the Minutes from the April 28, 2004 meeting for the Board's consideration. Board Member Williamson corrected the number to be 1.03.01 on page 3 the first paragraph. Board Member Conger referred to page 2 the sentence that refers to objective 11.1 and requested that this be clarified. **A motion was made by Board Member Conger, seconded by Board Member Clark, to approve the Minutes of April 28th subject to the clarification of page 2. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

III. Old Business Local Land

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

A. Land Use: LU 2004-24; to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential.

A motion was made by Board Member Bradford, seconded by Board Member Condit, to adjourn as PAB and convene as the Local Planning Agency. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

MINUTES
Planning Advisory Board
May 26, 2004

The Board took a brief recess at this time.

V. **New Business Local Land**

Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:

A. Land Use 2004-23: to change the Future Land Use Map classification from Medium Intensity commercial to High Density Residential

Ms. Catinna referred to the staff report #3 analysis and pointed out the factors that have to be looked at for compatibility. Board Member Clark questioned the statement in the findings that says medium density residential. Ms. Catinna corrected the findings to reflect that the FLUM amendment request from Medium Density Commercial to High Density Residential would be consistent with the intent of the Comprehensive Plan and should be changed to High Density Residential. Board Member Clark noted that the report showed that the furthest property was located at the northwest corner of First and Robles and stated that it should be the southeast corner. Board Member Bennett commented that the support documents show that this site is 15,060 square feet and noted that this was inconsistent with the .39 acres that is shown elsewhere in the documents. Mr. Gillette replied that it is .39 acres. There was a brief discussion about this topic.

Mr. Gillette stated that as part of the Special Use they were trying to have three units on .39 acres. He explained that the R-3 zoning was so that they could put three units together. He commented that the Special Use shows that they have drainage. He stated that it is compatible with the land use of High Density Residential that they were asking for and is a good transition from the Medium Intensity Commercial to the north and the commercial to the south that has a residential development that is of a high density nature. Board Member Clark inquired if with R-3 zoning was it possible for someone to put more than three units on that lot. Mr. Gillette stated that .39 acres times 10 units per acre was 3.9 and they would exceed it went to 4 units. Board Member Bennett inquired if all of the dune would be retained on the site. Mr. Gillette commented that there are some contours that are challenging and they would be retaining a good bit of it.

Mr. Frank David Kuitens, 5209 Leeward Cove, explained that his intent was to build on this property that he was in the process of buying from his father. He stated that the property to the south is in C-1 zoning and on that 120 feet there are four units. He requested half of what that property got. A motion was made by Board Member Condit, seconded by Board Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Board Member Clark inquired if there was a problem with changing the land use and having an island of commercial to the south of it even though the current use is residential. Ms. Catinna stated that it is transitional zoning from a lower use to a higher use and it is an acceptable practice. Mr. Gillette commented that they were on the other side of the road from the commercial and adjacent to the property is residential. After some discussion about this area, City Attorney Braga stated that on the map the property that is immediately to the south is actually commercial zoned designation, but has a residential use on it. She requested clarification because the staff report says to the south is residential and zoned residential. Ms. Catinna replied that it is R-2 to the south. Mr. Gillette stated on the map it is

MINUTES
Planning Advisory Board
May 26, 2004

shown to be C-1 and explained that he was not sure if the maps were current. He noted that it was developed residential. After reviewing the information, Ms. Catinna stated that looking at the FLUM to her is was medium density residential south. Board Member Clark referred to the southern portion of the little gray appendage that points to the south. Ms. Catinna stated that is commercial. **A motion was made by Board Member Condit, seconded by Board Member Williamson, to forward to the City Commission approval of LU 2004-23.** Board Member Conger noted that there would be low intensity commercial to the south of it and to the north of it. He questioned putting high density residential between two commercial districts. Chairman Wilking noted that this was a valid point and commented that you have to also look at the current uses. Mr. Gillette explained that they were changing medium intensity commercial and high density residential is a good transition from medium intensity commercial down to a residential use. After further review of the information in the packet and discussion about this request, there was a suggestion made to change the FLUM and zoning for that parcel or parcels to the south. There was some further deliberation about the appropriate land use for this property. Chairman Wilking inquired if there was any reason to deny this to prevent creating the enclave. City Attorney Braga stated that the staff should answer this question in regard to spot zoning because they are the sworn parties and give the Board testimony upon which to base their decision. Ms. Catinna stated that she believe it creates spot land use, but on the other hand looking at the uses it isn't. Board Member Clark suggested that the Board could have a motion something to the affect that this be approved and recommend that staff use the City's authority to initiate a land use change for the commercial parcels to the south. After a brief discussion about the suggestion, City Attorney Braga stated that based on all the evidence heard the Board had substantial competent evidence. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Board Member Condit:	Aye
Board Member Williamson:	Aye
Board Member Bradford:	Aye
Board Member Conger:	Nay
Board Member Bennett:	Aye
Board Member Clark:	Aye
Chairman Wilking:	Aye

Motion carried.

MINUTES
Planning Advisory Board
May 26, 2004

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

B. Land Use 2004-37: to change the Future Land Use Map classification from County Intensive Commercial (CI) to City High Intensity Commercial C-1).

The Board deviated from the agenda to hear the next item on the agenda.

VI. New Business Advisory Board

Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:

A. Zoning Change 2004-23: to change the classification from Commercial (C-1) to Residential (R-3)

A motion was made by Board Member Condit, seconded by Board Member Bradford, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna gave an overview of the request as contained in the agenda support documents. There was some deliberation about the information presented in the agenda support documents. Chairman Wilking corrected 4 to 8 units per acre to 10 units per acre and high density instead of medium density. Board Member Clark questioned if spot zoning was ok if it serves a transitional purpose of a small parcel. Ms. Catinna replied yes.

Mr. Gillette referred to his prior testimony and was available for questions. A motion was made by Board Member Williamson, seconded by Board Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. **A motion was made by Board Member Bradford, seconded by Board Member Williamson, to forward to the City Commission a recommendation of changing from C-1 Commercial to R-3.** City Attorney Braga stated that based on all the evidence in the packet and the evidence presented as testimony there was substantial competent evidence.

Vote upon passage of the motion was taken by ayes and nays and was as follows:

Board Member Bradford:	Aye
Board Member Bennett:	Aye
Board Member Clark:	Aye
Board Member Williamson:	Aye
Board Member Conger:	Nay
Board Member Condit:	Aye
Chairman Wilking:	Aye

Motion carried.

B. Special Use 2004-23: to allow for construction of three townhome units

A motion was made by Board Member Condit, seconded by Board Member Clark, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna explained that Special Use permits are suppose to look at the environmentally sensitive land issues of the site that is being developed. She stated the Special Use permits are not to discuss zoning changes, Ordinances, or clarifications of Ordinances. She

MINUTES
Planning Advisory Board
May 26, 2004

Board Member Clark suggested having staff pursue changing the Land Use and Zoning for that little commercial enclave that was just created south of the Kuiterns property.

(The first sentence in the following paragraph has been restated by Board Member Bradford as indicated on original.)

Board Member Bradford inquired if there was anyway to eliminate the error that was made with Ocean Breeze. To annex in property under the requested zoning at the same time instead of having the applicant return to the board to change the county zoning to a City zoning. Thus avoiding having property hanging out there that's still not compatible to City zoning for an extended length of time. City Attorney Braga stated that the way to do it is to try to keep everything together, however in this case it just didn't happen. She explained that under State Law they are required to file within 2 months and the City gives them 6 months under City Ordinance. She commented that she thought the City needed to keep better track of them to make sure that they file when they are suppose to file. There was some further discussion about this topic.

VIII. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned at 9:14 p.m.

J. Peter Wilking, Chairman

Horace B. Clark III, Vice Chair

OFFICE USE ONLY

REC'D: 6/13/16 BY: [Signature]
PAYMENT: \$ 1700 TYPE: CK 1634
APPLICATION #: 2016-0000964
CASE #: 2016-10 C2+2U
BOARD MEETING DATE: 7-13-16



PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

APPLICANT INFORMATION

Owner Name: Phoenix Investments, LLC, a Florida limited liability company
Mailing Address: 1940 South Fletcher Avenue, Fernandina Beach, Florida 32034
Telephone: (904) 261-5618 Fax: (904) 261-9519
Email: N/A

Agent Name: Rogers Towers, P.A., c/o Jon C. Lasserre, Esq.
Mailing Address: 960185 Gateway Blvd., Suite 203, Fernandina Beach, Florida 32034
Telephone: (904) 261-5618 Fax: (904) 261-9519
Email: JLasserre@RTLAW.com

PROPERTY INFORMATION

Street Address: Corner of John Robas Street and First Avenue, Fernandina Beach, FL 32034
Parcel Identification Number(s): 20-3N-29-0000-0014-0010
Lot Number: 14-1 Block Number: 10 Subdivision: Adjoining Hamby's Addition
Section: 20 Township: 3N Range: 29E

PROJECT INFORMATION

Total Number of Lots/Parcels: One

Less than One (1) acre Sq. Footage: Yes One (1) Acre or Greater: No

Existing Zoning Classification: C-1 (Community Commercial)

Existing Future Land Use Classification: General Commercial
Yes, See minutes from PAB meeting in May 2004 where Zoning

Previous Planning/Zoning Approvals: Map and FLUM were amended from C-1 to R-3 and Medium Intensity Commercial to High Density Residential.

Description of Request:

Requesting a zoning change from C-1, Community Commercial to R-3, High Density Residential and FLUM Designation from General Commercial to High Density Residential. The property is vacant. The adjoining property to the south is zoned C-1, but has been developed as multifamily residential (three building totaling six townhomes). The property across the street to the west is single family residential. The property to the north is zoned C-1 and is used as a fire station. The property to the east is a vacant commercial building that is zoned R-2 with a FLUM designation of Medium Density Residential.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

June 23, 2016
Date

[Signature]
Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU }
ss }

Subscribed and sworn to before me this 23 day of June, 2016.

[Signature]
Notary Public: Signature

Jennifer T. Athavale
Printed Name

9-30-18
My Commission Expires

Personally Known OR Produced Identification ID Produced:





Lot 509 Robbers
1st Ave

**OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION**

(OWNER)

I/WE FRANK KULTSMY / PHOENIX INVESTMENTS
(print name of property owner(s))

hereby authorize: JON LESSERAGE
(print name of agent)

to represent me/us in processing an application for: RE ZONE
(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]
(Signature of owner)

(Signature of owner)

FRANK KULTSMY
(Print name of owner) OWNER - PHOENIX

(Print name of owner)

Virginia
STATE OF FLORIDA }
WYTHE }
COUNTY OF NASSAU }

INVESTMENTS



DIANE SHEETS DOYLE
NOTARY PUBLIC 7625066
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES FEBRUARY 28, 2019

Subscribed and sworn to before me this 11th day of June, 2014

[Signature]
Notary Public: Signature

Diane Sheets Doyle
Printed Name

2/28/19
My Commission Expires

Personally Known _____ OR Produced Identification _____ ID Produced: _____

1. **Call to Order** - The meeting was called to order at 5:02 pm.

Roll Call/Determination of Quorum

Board Members Present

Judith Lane, Chair	Mark Bennett, Vice-Chair
David Beal	Jon Lasserre
Charles Rogers	Chip Ross
Eric Lawrence (alternate)	Jamie Morrill (alternate)

Board Members Absent

Chris Occhuizzo

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

Member Morrill was seated as a voting member for this meeting due to the absence of Member Occhuizzo.

- 2.1 **Review and Approve June 8, 2016 Regular Meeting Minutes – A motion was made by Member Ross, seconded by Member Lasserre, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

AGENDA CHANGE: Chair Lane requested item 5.1 the Sunshine Law overview be heard first on the agenda.

Sunshine Law Overview – City Attorney Bach briefly explained the Sunshine Law is comprised of two parts (public records act and the open meetings law). She stated anything related to the business of the board or foreseeably would come before the board including email, voicemail, or any type of medium is a public record. She pointed out board members are not to be emailing other board members, but there is an exception if the board member is sending out a memo as long as there is no reply. She explained if there is a reply then both members have violated the Sunshine Law. She referred to open meetings and stated you cannot meet with one other board member and discuss anything that could foreseeably come before the board for a vote. She also explained that a board member that attempts to use an intermediary (a person not on the board) to send a message to another board member and that message gets through then both members are in violation of the Sunshine Law. She clarified that ex parte communications are only valid for quasi-judicial boards. She stated if the board was doing zoning hearings where you act as a quasi-judicial body that would make sense, but that was done at the City Commission level. She explained she would periodically remind staff and board members of the Sunshine Law.

Member Beal noted Mr. Lasserre has three cases before the board tonight. He questioned if he had talked with Mr. Lasserre about one of the cases, since Mr. Lasserre was recusing himself was that ok. City Attorney Bach replied that is not a Sunshine Law violation, because the two members are not going to participate in the same vote. She reminded the board that she was available if they had any questions. There was a brief discussion about the information that board members receive about any upcoming cases, and it was noted that information should be shared with staff to disseminate to the rest of the board.

Member Lasserre recused himself at this time and Member Lawrence was seated as a voting member. City Attorney Bach reminded Member Lasserre to fill out the voting conflict form, which is filed with the City Clerk's office.

3. New Business

3.1. PAB 2016-16 - PHOENIX INVESTMENTS, LLC, JOHN ROBAS STREET & FIRST AVENUE - ZONING MAP AMENDMENT - (PAB 2016-16), REQUEST ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM MEDIUM INTENSITY COMMERCIAL TO HIGH DENSITY RESIDENTIAL

Ms. Gibson pointed out the staff report was part of the public record. She stated PAB 2016-16 was a land use and zoning case for property located at the corner of First Avenue and John Robas (.38 acres of land) to move from General Commercial land use and C-1 zoning to High Density Residential land use and R-3 zoning designation. She explained the property previously requested the same land use and zoning in 2004 with the intent to develop three townhome units. She commented for whatever reason the applicant did not proceed with those changes so the property was back today requesting the same thing. She stated the difference today was there is no special use requirement that would come before the PAB. She explained a multi-family project or townhome style development would come through the City's Technical Review Committee (TRC), receive a local development order, and then be able to move forward. She provided further details from the staff report including that staff's recommendation was approval.

Member Ross referred to Section 12 of the Comprehensive Plan (economic development) and read "protect existing land designation for employment generating uses....." He questioned why the City was taking commercial land and turning it into residential land, which seems to be opposed to this economic development element of the Comprehensive Plan. Ms. Gibson replied it is a private applicant driven text amendment. She stated she found given that the surrounding area is a resort rental type of use that the property can generate jobs and continue to support that area. The board reviewed an aerial of the property in question. It was noted if this had gone through the City Commission for approval in the past and they just didn't develop the property they would have had the land use and zoning tied to the property.

Mr. Jon Lasserre, agent for the applicant, referred to Section 12 and noted it refers to job opportunity areas. He expressed his opinion that it was not applicable in this case. He stated his client's family assembled the property at 1940 South Fletcher and the two vacant parcels south of it over a time period from 1999 until two were sold in 2013. He commented in 2004/2005 his client and the City were engaged in a lawsuit over the lack of ability to develop the oceanfront, and part of the settlement was this parcel could be used as overflow parking for the oceanfront property. He explained the reason Mr. Kuitems stopped going forward on the R-3 application with the City Commission was to maintain Commercial so it could be paved in terms of a parking lot. He stated since the two oceanfront properties were sold in 2013 that was no longer necessary, and now Mr. Kuitems was seeking to return something that is more compatible. Member Morrill inquired if anything has to be done in relation to the legal settlement. Mr. Lasserre replied he was not building on that property, and he believed the selling of the property severed that settlement agreement. Chair Lane inquired about the size of this property. Mr. Lasserre replied .38 acres. It was noted there would be enough room for three units with parking onsite.

Member Ross noted the Nassau County Economic Development Board (NCEDB) has talked about a diversified tax base and they promote having commercial development to diversify the tax base. He stated this was taking commercial land and turning it into residential land. He questioned how this was

promoting a diversified tax base. Mr. Lasserre referred to the surrounding area and the residential development that has already taken place south of it and pointed out the parcel is small for one standalone commercial development. He commented this property has been for sale for the last 15 years as commercial property and it hasn't sold. He explained three residential units appear to more in keeping with the neighborhood than a hotel or a restaurant or a parking lot. There was a brief discussion about the surrounding uses.

The public hearing was opened at this time.

Mr. Ray Anderson, 2162 First Avenue, questioned the implication of non-conforming for those other residences. Ms. Gibson replied they are currently a grandfathered use, which is allowed to continue as long as that use does not lapse for a period greater than 180 days. Chair Lane inquired about when the property is sold. Ms. Gibson replied a property may be sold that is non-conforming and continue to maintain the same non-conforming use status as long as it remains occupied and within that same use. Mr. Anderson inquired if the intent of the development was to be used as vacation rental properties or residences. Ms. Gibson explained there is no requirement per the application process to make any decision about future development. She stated the owner determined after this has been on the market for a period of time under general commercial status and it was not selling so they felt it was in their best interest to convert it to a residential land use to sell the property. She commented short-term rental was permissible under the R-3 zoning. Mr. Anderson expressed his concern that the other residences on South Fletcher have vacation rentals and the neighborhood takes on a different aspect.

Member Beal questioned if the three properties to the south could be bought and operated as a commercial property. Ms. Gibson replied yes as a lodging accommodation. She pointed out there would be aspects if you were to operate as a lodging accommodation that would not be conforming because you would not have a hotel lobby unless it was associated through some other hotel. Member Beal inquired if it could be any other use within C-1. Ms. Gibson replied yes any other use within C-1. There was a brief discussion about this and that if the property was vacated and shut off utilities for greater than 180 days the nonconforming use would no longer be available and the property would have to be used as commercial space.

Ms. Patti Roberts, 2172 First Avenue, commented that over 60% of that end of First Avenue was owner occupied and there are very few long term rentals. She stated the idea of short term rental was like a new party every week, and that is not fun when it is in your neighborhood. She explained during a holiday weekend or a busy time the parking lot behind Dairy Queen is full. She pointed out she didn't have a problem if they were asking for R-1, because then someone would be building a house on that corner. She expressed her concern with R-3 to have short-term rental and traffic in the area.

Mr. Howard Neidig, 2786 Robert Oliver Avenue, explained his daughter lives at 2218 B First Avenue and concurred with the previous speaker. He explained weekly rental seems contrary to the other homes in that area.

Mr. Lasserre pointed out the zoning to the south of this and this property could be used like the Beach Club is over on South Fletcher or create a lodging accommodation. He explained they were talking about three units not a hotel or a condominium complex. He stated his client hasn't identified if he intends to build townhomes or rent them short term or long term. He pointed out the requested density would allow three units, and the property was twice the size of the two townhomes south of it. He commented the question is about the ability to do short-term rentals. He explained the problem with R-1 with one big house is that nobody wants to live next to fire station. He provided further comments in support of the

requested amendment including it was in keeping with good planning to go from commercial to high density residential to medium density residential to single family residential.

Member Lawrence inquired about subdividing the property into three lots and making them R-2. Ms. Gibson stated you have a minimum lot width in R-2 of 50 feet. After some discussion about the idea of subdividing the property, Member Ross briefly expressed his opposition to the request since it was turning commercial land into residential land and he was also opposed to the R-3 density. Member Beal briefly commented he thought it was a good transitional use from the commercial. There was some discussion about step down zoning/transitional zoning.

Mr. Anderson questioned step down zoning and where the character was changing and how that was connected to this request. Mr. Lasserre explained a change was put into effect in 1999 that limited short term rentals to only the R-3 zoning district, and you could only maintain your resort rental permit if you were grandfathered in and you continued with that use. He stated that was the reason you have a myriad of homes along South Fletcher that have the short-term rental ability. He pointed out since then there have been four new hotels built in the last 5+ years, but 10 years ago there weren't five hotels within a half mile of this property. He commented that has created the amount of traffic that is now at Sadler Road and South Fletcher. He briefly explained the change of the businesses in the area (Sliders, Hammerhead, etc.) He referred to step down zoning and stated the highlighted lot was the second application before the board. He briefly explained the idea of stepping down from commercial to the residential zoning. There was further discussion about step down zoning and keeping in mind the existing uses in the area. It was pointed out that R-2 was also a step down from commercial.

Ms. Gibson explained she ran a density calculation on the adjoining properties, and if the townhomes could be changed to R-2. She stated because of their narrow size they just meet the minimum for R-3 zoning standards (4,356 square feet of land area) to support that one unit. She pointed out the City would have to apply high density residential R-3 zoning status to those properties in order to make them conforming. There was further discussion and deliberation about the request before the board.

The public hearing was closed at this time. *A motion was made by Member Ross, seconded by Member Lawrence, to deny PAB 2016-16 to the City Commission requesting a Future Land Use Map (FLUM) assignment to High Density Residential and zoning change to R-3 from General Commercial Use and C-1 as described in PAB 2016-16 as presented is not sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time.* Member Ross inquired if the denial fails then the board would have to come up with a new motion to approve. City Attorney Bach replied correct. *Vote upon passage of the motion was taken by ayes and nays and was as follows:*

<i>Member Rogers:</i>	<i>Nay</i>
<i>Member Beal:</i>	<i>Nay</i>
<i>Member Ross:</i>	<i>Aye</i>
<i>Member Lawrence:</i>	<i>Aye</i>
<i>Member Morrill:</i>	<i>Nay</i>
<i>Member Bennett:</i>	<i>Nay</i>
<i>Chair Lane:</i>	<i>Nay</i>

Motion failed.

A motion was made by Member Morrill, seconded by Member Rogers, to approved PAB 2016-16 to the City Commission requesting a Future Land Use Map assignment of High Density Residential

and zoning change to R-3 from General Commercial Land Use and C-1 as described; and that PAB 2016-16 as presented is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Nay
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.2. PAB 2016-17 - FRANK D. KUITEMS, 1940 S. FLETCHER AVENUE - ZONING MAP AMENDMENT - (PAB 2016-17), ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL.

Ms. Gibson explained this parcel totals roughly .41 acres and was currently operating as a nonconforming land use. She stated at present it has a long term rental occupied at the property, and it was a duplex. She pointed out the request was the assignment of high density residential land use and R-3 zoning. She commented the intent was to maintain its current nonconforming status and remove that nonconformity. She explained there were no development plans associated with the property. She stated directly across the street and directly north of the property are high density residential zoning and adjacent to it is commercially zoned property that are resort style in nature. She reported upon review of consistency of the request staff recommends approval.

Member Ross inquired when the duplex was built how did it get zoned commercial. Ms. Gibson replied it may have been built prior to the current zoning was in place (1971). She commented through the digitizing of maps this property may have been overlooked and zoned commercial or the City may have wanted to see it be commercially developed. She explained with the development surrounding this property it was logical that an R-3 zoned district would be appropriate for this property.

Mr. Jon Lasserre, agent for the applicant, explained his grandparents purchased this property in 1973 and he grew up here until it was sold in 1999. He stated it was zoned commercial because the City wanted that whole area to go commercial. He concurred with staff and commented this was clearly a prime example of transitional zoning.

Member Ross inquired why the applicant was opposed to keeping it commercial. Mr. Lasserre explained when they bought it they intended to assemble the three lots with 215 feet on the oceanfront to build a hotel. He stated since then they sold two lots for the development of a hotel and were now seeking R-3 for this parcel. He pointed out this has been residential use since 1971 and the intent was to keep it as residential use. Member Beal pointed out that this property could not be assembled with the commercial property to south due to the prohibition of assembling more than 100 feet. He stated this would have to be a standalone commercial site. Mr. Lasserre replied correct and explained that was why the assemblage didn't work.

The public hearing was opened at this time and there being no comments from the floor the public hearing was closed. Member Ross again expressed his opposition to turning commercial property into residential. **A motion was made by Member Beal, seconded by Member Rogers, to recommend approval of PAB 2016-17 to the City Commission requesting a Future Land Use Map assignment of High Density Residential and zoning change to R-3 from General Commercial land use and C-1 zoning as described; and that PAB 2016-17 as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Aye
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.3. PAB 2016-18 - THE ASPIRE AT AMELIA II, LLC, 3017 & 3021 AMELIA ROAD - ZONING MAP AMENDMENT + LAND USE MAP AMENDMENT + VOLUNTARY ANNEXATION - REQUEST FOR VOLUNTARY ANNEXATION INTO THE CITY OF FERNANDINA BEACH, ASSIGNMENT OF A FUTURE LAND USE CATEGORY OF MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL LOW-MEDIUM (RLM) ZONING

Ms. Gibson explained this request was for a voluntary annexation of roughly 7.91 acres of land located at Simmons Road and Amelia Road. She stated the property has two single family homes and pasture land. She pointed out the Nassau County land use and zoning carries an Open Rural designation and RS-2. She explained the request was for Medium Density Residential land use designation with a Residential Low-Medium zoning designation, which was consistent with the surrounding area of that property. She pointed out the property was recently purchased by Aspire at Amelia to be part of a complex of uses that would be an assisted living facility, while the property would be a standard single family subdivision site that will have access to the assisted living facility amenities on the adjacent property. She explained the request was consistent with Comprehensive Plan policies with respect to its public facilities, and was consistent with the Land Development Code. She stated the annexation would not represent an enclave and was a logical extension of the City's boundary.

Member Ross questioned if the current zoning was Open Rural. Ms. Gibson replied a portion of the property is (4.14 acres). Member Ross referred to the total units that could currently be put on that property and explained the answer was one per acre. He questioned how many units would be able to be put here. Ms. Gibson replied a maximum of 65 units. There was some discussion about this request noting the need to annex was to receive City water and sewer. The assisted living facility would be located directly behind it to the west.

Mr. Lasserre, agent for the applicant, introduced Mr. David Hink and Mr. Bruce Jasinsky with Aspire Development. He explained Open Rural allows one per acre, and there was no comparable City zoning. He stated they were going from medium density in the County to medium density in the City. He referred to the zoning of 8 units per acre and noted that was with Medium Density Residential in the City. He pointed out Residential Low-Medium was 6 units per acre. He explained due to the characteristics and

layout of the property the maximum units was in the 30 range given a 50 foot wide lot. He stated this request was standalone to be annexed into the City with appropriate zoning and FLUM designation. He pointed out the intent was to tie together this project with the adjoining C-2 project. He clarified there was no intention to make this the assisted living facility, because it would be single family homes for sale. He briefly provided a comparison with Osprey Village that has single family detached homes. It was noted there weren't many trees on this property, but once annexed the City's Tree Ordinance would apply to the project. The board noted with RS-2 it was about 3 units per acre and there were 3.77 acres under the RS-2 zoning. Member Ross noted 18 units would be allowed under the current County zoning.

Chair Lane inquired if the C-2 property would be owned by the same development. She noted that Osprey Village and those in Jacksonville are owned by the same group. She commented people own their private home, but they buy into that assisted living. Mr. Lasserre deferred to the developer and stated they are related entities with one for sale and one is not. Chair Lane questioned staff if the board would see the platting for the C-2 part. Ms. Gibson replied there is no platting associated with commercial development. Member Lawrence inquired if the single family homes would be sold with restrictive covenants of some type that tie them to the commercial property. Mr. Lasserre stated they would share amenities. There was a brief discussion about this.

The public hearing was opened at this time.

Ms. Marilyn Baggett, 820 Simmons Road, pointed out she also owns a home on Spanish Way. She explained they have an access gate where they can leave the subdivision and go along trail which has many trees. She pointed out on the map where there were entrances for the two single family homes. She expressed her concern with 40 units in this area and the increase to traffic from this area that currently only has two driveways. She stated this area is currently in the County with a lot of trees, and commented that would be a lot of traffic added to a small rural road. She provided further comments expressing her concern with the number of people coming in and out of that area.

Chair Lane inquired about the model for this subdivision. Mr. David Hink replied their model was either age restricted or age targeted. He explained the residents are looking for a broader place in the community and they are looking for the services, which was why they thought these homes would add value over other homes. Member Morrill inquired if there would be any covenants or deed restrictions. Mr. Hink replied absolutely and stated those haven't been put together yet. He explained they would be deed restricted in the type of landscaping, frontage, type of roof, limited character so they match together, etc. He commented it would be like a Homeowners Association (HOA) that has a clubhouse. He explained on the other parcel they are developing a large clubhouse for the members for the independent living participants as well as the assisted living participants. He stated the HOA monthly fee would be for maintenance of the exterior landscape and for privileges to use the dining and other facilities on the main campus.

Member Ross questioned if hypothetically they don't go forward with this project how many units could be placed on this property. Ms. Gibson stated she would give the board an exact figure momentarily and reminded the board Mr. Lasserre pointed out the zoning code restricts through the RLM zoning district to 6 units per acre. Member Ross noted in that area there are single family homes on big lots and questioned how this would fit in with that. Mr. Hink stated their interest was for single family homes in there, which would be supportive of the larger community. Member Ross commented those single family homes would be on much smaller parcels than what is in the neighborhood. Mr. Lasserre explained the Barrington subdivision has 23 lots and was approximately the same size as this property where they were talking about 30 so it was quite comparable. He referred to the surrounding property and stated they are

not departing dramatically from the character of the area. There was further discussion about this request and it was noted that it would annex immediately because it was contiguous to the City and would be under the City's Tree Ordinance and other ordinances. City Attorney Bach briefly explained when a property is annexed you have to assign a City zoning category.

Mr. Lasserre stated they were applying to be annexed and at the same time they were asking for a FLUM designation and zoning. Member Ross requested clarification of the annexation process. Ms. Gibson explained when someone comes to the City with a request to be annexed one of the things the City looks at is to find out if that property is contiguous to the City limits. She stated this property is contiguous so the City was requesting a voluntary annexation, because with them coming into the City now there was no need for an annexation agreement. There was further discussion to clarify the annexation process, and Ms. Gibson explained that with the RLM zoning at 6 units per acre including public rights-of-way you could have up to 52 units total. She pointed out this project would come back before the board for preliminary and final plat. She explained the board would see the streets and the layout of the lots at some point in the future because this will follow a subdivision process. Member Ross inquired if it was R-1 how many units could be built. Ms. Gibson replied 34 units and there was the minimum lot width of 75 feet.

Mr. Michael Waskew, 3105 Aja Court, explained his property abuts this land. He commented this was sticking in a higher density between two lower densities of housing, which makes no sense to him. He stated reading the zoning designation not only does it allow single family houses, but allows townhouses, duplexes, and triplexes. He noted this would allow for great flexibility in developing the property. He referred to Osprey Village and pointed out you can't resell your property except to Osprey Village. He noted that once this property is rezoned it is rezoned. He explained he was pleased to hear single family was proposed, and suggested that it be made 75 foot lots. He commented the neighbors would like to maintain the nature of the existing neighborhood. He pointed out there are wetlands on the commercial parcel directly behind his property, and whatever development is done will create runoff. He expressed his concern about the impact to their retention pond. He provided further comments about the proposed project and expressed his hope that the development understands that the neighbors want the zoning to reflect what they have now.

Mr. Tom Martin 3136 Aja Court, expressed his concern about the traffic because there is already a lot of traffic on Amelia Road. He commented adding another entryway was going to cause even more traffic. He explained he didn't see a big difference if R-1 restricts what can be built and is a 75 foot lot size, because he thought that was in keeping with what his subdivision has. He also expressed his concern about what happens to Barrington's retention pond when there is runoff from 30+ homes.

Member Bennett noted if they build this they would have to have their own retention. Mr. Lasserre stated the developer cannot tie into Barrington's retention pond without their consent. He pointed out there would be onsite retention on this property as well as the commercial property and be designed as to where the water would go if it were to overflow. He explained they were aware of the drainage in the area and it would have to be permitted through the St. Johns River Water Management District (SJRWMD). He stated although Medium Density Residential does allow single, duplex, triplexes, and condominiums the requested zoning, RLM only allows single family. He pointed out single family was the only housing type under RLM. He referred to the concerns about commercial traffic and commented it was not reasonable to take a commercial truck for the assisted living facility down Amelia Road. He stated there would be a major entryway through Amelia Island Parkway. Ms. Gibson explained the staff report points out the requirements for permitting for a subdivision and read a portion into the record. She referred to the questions about the future of Simmons Road and stated she has been working with Nassau County

there was a proposed 10 foot paved multi-use path that would go along Simmons Road connecting the beaches at South Fletcher all the way to Bailey Road. Mr. Lasserre commented his client has been working on that multi-use path as well, and they intend to dedicate 15 feet along Bailey Road to facilitate that path as well as land along Amelia Island Parkway. There was some discussion about the multi-use trail.

Member Ross questioned the choices with the zoning associated with this annexation. City Attorney Bach replied usually the choices are to keep it in line with what the County zoning is. It was noted there was not comparable zoning to Open Rural in the City. Member Ross inquired about the choices. Ms. Gibson replied the most reasonable fit was Medium Density Residential and RLM zoning. Member Ross argued that R-1 is the most comparable to Open Rural.

Ms. Lauree Hemke, 751 Barrington Drive, expressed her concern with the proposed zoning. She stated she didn't see why the zoning cannot be the same as Barrington or comparable. She also expressed her concern that if approved people would build at a higher density and she was concerned with the wetlands as well as the greenery around the property. She stated she didn't have a lot of faith in developers that say they are going to protect the trees. She explained she was also concerned with the roads and the traffic in the area.

Ms. Elsa Mitschele, 3105 Aja Court, pointed out currently there is a creek that runs along the entire proposed area and where she lives. She inquired about what would happen with that creek. She also inquired what they would do to differentiate that neighborhood from Barrington. Mr. Lasserre stated he was familiar with the wetland behind the Barrington subdivision on the Amelia Holdings property, which is in the City. He pointed out wetland property in the City cannot be touched, and would be protected by the City's regulations. He referred to trees and reported they would abide by the Tree Ordinance. He pointed out transitional zoning is important and there are a lot of uses under C-2 so this property would be stepping down the zoning. He clarified it was going from Intensive Commercial to Low to Medium Density to allow the development of this particular site. Chair Lane suggested the developer work with the Tree Conservancy in their planning. There was a brief discussion about this.

Ms. Mary Pitcher, 3116 Amelia Road, pointed out Amelia Road is a very narrow road with no shoulders. She stated she did not have any objection to any of this or the zoning with the exception of any entry or exit onto Amelia Road other than what is currently there. She suggested that the major entrance be off Amelia Island Parkway and no entry or exit onto Amelia Road.

Ms. Melinda Signorella, 3117 Aja Court, explained her house backs up to the retention pond and if there is no type of wall securing the area between their property and Barrington's pond she was concerned about the liability with that pond. She commented senior citizens could stumble out and fall into the pond. She questioned how this would be tying into Amelia Island Parkway, because she didn't want that to back up to her property either. Mr. Lasserre noted the concerns and explained they have to have a secondary access for the project. He pointed out that would be taken care of at the Technical Review Committee level. He stated the only logical entrance for heavy traffic would be from Amelia Island Parkway not from Amelia Road. He explained this was a logical move from C-2 to an area that is developing and growing. He pointed out there are three driveways along Amelia Island Parkway accessing two homes and a farm, and that would be reduced to one. He referred to the liability of the pond and explained each homeowners association would be responsible to be sure they are not negligent in maintenance and securing its border.

Mr. Dwight Ingram, 3135 Aja Court, expressed his concern about traffic congestion at Simmons and Amelia Road as well as over at 14th Street. He also expressed concern about the secondary access to the property onto Amelia Road. Mr. Lasserre explained the previous owner divided the property in this manner and the platting would come back to the board for approval. He pointed out that was not necessarily where the entrance would be.

Member Lawrence commented if this were annexed without consideration of the adjacent property it could be a standalone subdivision so there would be that traffic in and out without the potential of tying into something and a secondary exit. He explained he was starting to see the advantages of this with how it was being put together as a package to help alleviate some of the issues. He pointed out they might want to give the opportunity to people in Barrington to join the club, because it was really the same demographic. He questioned if the project was financially feasible as an R-1 project. Mr. Bruce Jasinsky, 645 Gaines Lane, explained they are trying to create a product where people were more than likely wouldn't be taking children to school every morning and would more than likely dine it at the facility. He stated these people are going to be less mobile than what a typical subdivision would be. He commented a typical R-1 subdivision would create that much more traffic. He referred to the question of financially could you do a few less and stated financially is one issue but another is logistically. He pointed out how many senior facilities do you go to where there are big yards and big houses. He explained they are trying to create a controlled environment with smaller lots and smaller houses, because these people would be stepping down. He commented the preliminary work after all the City codes are put in under the RLM zoning they only get about 30 units. He provided further comments about this concept. There was further discussion about this case noting that with R-1 zoning there could be 34 units. Ms. Gibson briefly outlined the next steps for this annexation request, the assignment of a Future Land Use Map category, and zoning designation that would go before the City Commission as three separate Ordinances. She pointed out the board in the future would see a preliminary plat and final plat associated with the development of the subdivision. She stated this property would be treated as a standalone subdivision regardless of the association/affiliation it will have with the assisted living facility. The board continued its discussion with the applicant with regard to the zoning for this project.

Ms. Gibson provided a brief clarification about the Technical Review Committee (TRC) process which includes various City departments to review the initial site plan, which then would move forward with the process of a preliminary plat. She further explained the process of the project moving forward.

The board took a brief recess at this time.

Chair Lane polled the board about moving the Port Master Plan item to the August. After a brief discussion, *the consensus of the board was to postpone the Port Master Plan discussion item to August.*

Member Ross noted this property is going to be annexed and have some residential designation. He commented it was a matter of whether it was going to be R-1 or RLM.

Mr. Michael Waskew, 3105 Aja Court, commented the residential development part of this would be treated as a separate parcel not connected to the development of the commercial parcel. He noted the separate parcel requires two means of egress not through an adjacent property. He pointed out there would be an access on Amelia Road and one onto Simmons or two onto Amelia Road. He stated the 182 people that live on parcel C would increase the traffic onto Amelia Road. He explained he wasn't opposed to development, but they want to be sure the board hears the neighbors' concerns and address them upfront.

Mr. Lasserre questioned staff if there was anything in the code that would prohibit the second access coming through Amelia Island Parkway if it was a dedicated easement across private property. He referred to the concern of people leaving the assisted living facility to exit onto Amelia Road and explained a gate was intended to prohibit that. Ms. Gibson stated the vehicular section is 4.04.02(e) and read there should be at least two vehicular access points to an improved right-of-way. There was a brief discussion about this and it was noted the TRC has reviewed the preliminary application for the assisted living facility.

The public hearing was closed at this time. **A motion was made by Member Bennett, seconded by Member Morrill, to recommend approval of PAB 2016-18 to the City Commission requesting that a voluntary annexation to the City limits be approved assigning the Medium Density Residential land use and RLM zoning category as described in PAB 2016-18; and as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Rogers:	Aye
Member Beal:	Aye
Member Ross:	Nay
Member Lawrence:	Aye
Member Morrill:	Aye
Member Bennett:	Aye
Chair Lane:	Aye

Motion carried.

4. **Comments by the public** – There were no comments from the public at this time.

5. **Board Business**

5.1. **Sunshine Law Overview** – This was provided by the City Attorney at beginning of meeting after approval of Minutes.

5.2. **Discuss Public Speaking Procedures** – City Attorney Bach commented that the board has bylaws, and she couldn't remember if there was a speaker limit. Chair Lane noted in the past the board opened up the speaking and there were times where the board has said it would have to be limited to three minutes. She explained she had no intention of cutting people off. She questioned if the board wanted to handle this on a case by case basis. Member Bennett explained part of the board's job was to hear from the public. He stated he rather leave it on a case by case basis, because sometimes it takes a little longer so that the public understands. Member Beal agreed with case by case. He commented when there is a chamber full the board may have to limit people especially if they start saying the same things over and over. He explained when you are passionate about something to be limited to three minutes and you are the only person in the audience it angers you. Member Lasserre agreed with a case by case basis, and pointed out tonight there were a lot of people and they were respectful. There was some discussion and deliberation about the best way to proceed, and it was noted in the past the board has asked speakers to limit themselves. The board also noted when an item gets so emotional it takes away from it, because people stop looking at the facts.

City Attorney Bach commented in her experience taking a recess will diffuse an issue and it works well when people are emotional. Chair Lane noted people get emotional with change. City Attorney Bach suggested a time set for the hearing or having an end time to the board's meeting. Chair Lane stated she likes the mix of the board discussing things and then hearing from the applicant and questions can be asked about that. Member Lasserre commented he had to appear before Nassau County's Code Enforcement Board three times over the last three months, and they begin their meeting going over the procedure. There was further discussion about having a procedure and Chair Lane requested the board's thoughts be sent to the City Attorney.

5.3. Discuss Port Master Plan and Comprehensive Plan Inconsistencies for OHPA Review (Continued Discussion from June Meeting) – During item 3.3 the board was polled, and *the consensus was to postpone the Port Master Plan discussion item to August.*

Board Agenda Materials - Member Ross referred to the timing of getting the board's agenda materials and explained where he used to live ten days before was a cutoff date. He pointed out for the cases he goes through the material and visit the sites. He questioned if there was a way to get it at least a week ahead of time. Chair Lane pointed out the board used to get material earlier, but staff was inundated with a lot of stuff. Ms. Gibson replied the internal procedure was to get it to the board one week in advance, and over the last four years she has had to push it back to the Friday before so there is at least the weekend to review as well as the days leading up to the meeting. She reminded the board of the special meetings back to back and explained with her becoming ill she was unable to get the information to the board. There was a brief discussion about this and getting materials to the board in an earlier timeframe.

City Attorney Bach pointed out the advertising requirements are ten days before, which is days before an agenda is even posted. She explained if staff was running behind it would appear on the agenda because it has been advertised. She commented if the board felt it was not prepared a motion can be made to postpone until the next meeting. There was further discussion about this and it was noted it was also up to the board members to do independent research to make decisions on facts.

6. Staff Report – Ms. Gibson reported the American Planning Association (APA) has selected the City's Comprehensive Plan to be reviewed for best practices as part of their sustaining places initiative, and for consideration as a pilot program to help with other small towns and communities. She explained she would receive more feedback about that later this year. She pointed out the City has a couple new brochures that an intern worked on (citizen's guide to tree and landscape requirements and bicycle safety).

The next regular Planning Advisory Board Meeting would be July 13th.

7. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:29 pm.

Secretary

Judith Lane, Chair

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Ordinance 2016-28**
 Zoning Map Amendment - John Robas Street and First Avenue

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **Approve Ordinance 2016-28 at First Reading.**

SYNOPSIS: The applicant is requesting assignment of the High Density Residential Future Land Use Map Category and R-3 zoning district to allow for the site to be developed as a residential project with the ability to have resort rental. The property previously sought the R-3 zoning in 2004 with the intent to develop three townhome units. Although, the request received a recommendation for approval of the zoning change and for the requested "special use," the applicant requested the application be withdrawn prior to City Commission consideration. At this time, the applicant is requesting the land use and zoning change. Plans have not been provided about any potential development of the site. Site plans are not required to be reviewed as part of a future land use map amendment and zoning change request.

Staff has issued a recommendation of approval. The Planning Advisory Board considered the requested Zoning Change at its Regular Meeting on July 13, 2016, and issued a recommendation of approval.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

2016/2017 CITY COMMISSION GOALS:
 (As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2016-28 at First Reading.

DEPARTMENT DIRECTOR	Submitted by: Marshall McCrary CDD Director <i>[Signature]</i>	Date: 7/29/16
CONTROLLER	Approved as to Budget Compliance <i>[Signature]</i>	Date: 8/3/16
CITY ATTORNEY	Approved as to Form and Legality <i>[Signature]</i>	Date: 8/3/16
CITY MANAGER	Approved Agenda Item for 8/16/16 <i>[Signature]</i>	Date: 8/2/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

ORDINANCE 2016-28

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP FROM COMMUNITY COMMERCIAL (C-1) TO HIGH DENSITY RESIDENTIAL (R-3) FOR PROPERTY LOCATED AT THE CORNER OF FIRST AVENUE AND JOHN ROBAS STREET, TOTALING APPROXIMATELY 0.38 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the Zoning Change Map application number PAB 2016-16 at its July 13, 2016, meeting and recommended approval of the change to High Density Residential (R-3); and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on June 29, 2016.

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

SECTION 1. PROPERTY INVOLVED. The property identified for this change of the Zoning Map is located at the corner of First Avenue and John Robas Street and identified as Parcel ID # 20-3N-0000-0014-0010, totaling approximately 0.38 acres, and is shown on the map attached hereto as Exhibit "A".

SECTION 2. ZONING MAP CHANGE. For the property in question, the City's Future Land Use Map is hereby changed from Community Commercial (C-1) to High Density Residential (R-3).

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

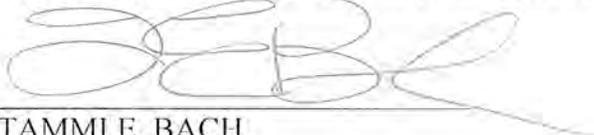
ADOPTED this 20th day of September, 2016.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

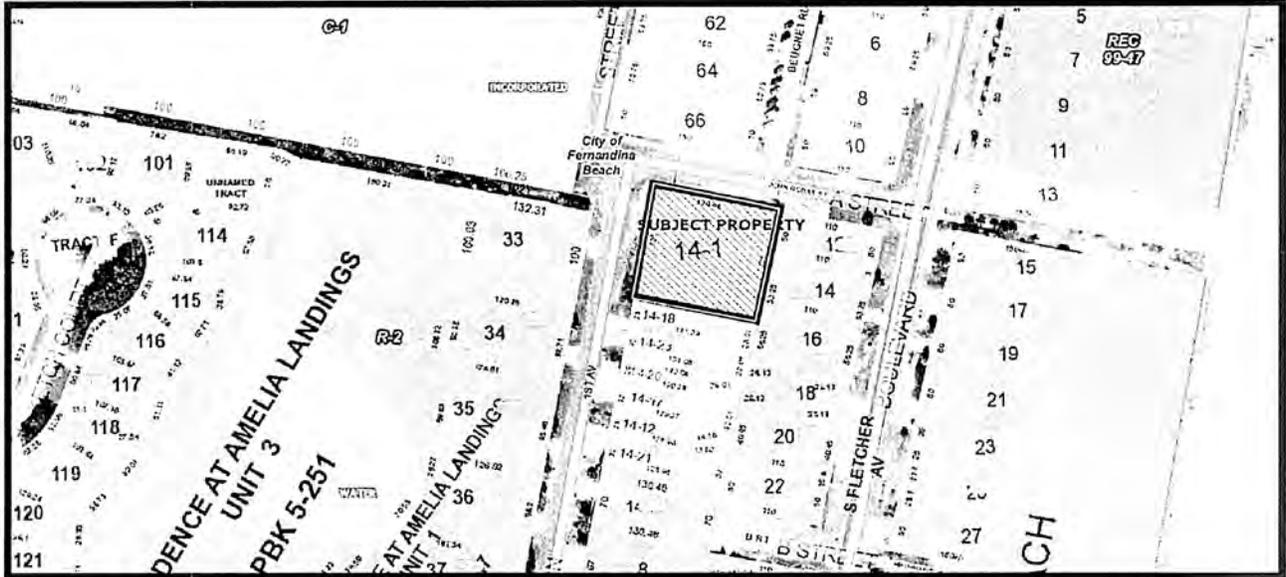


TAMMI E. BACH
City Attorney

CAROLINE BEST
City Clerk

**ORDINANCE 2016-28
EXHIBIT "A"**

PHOENIX INVESTMENTS, LLC (PAB CASE 2016-16), REQUESTING A ZONING MAP CHANGE FROM GENERAL COMMUNITY COMMERCIAL (C-1) TO HIGH DENSITY RESIDENTIAL (R-3) LAND USE FOR VACANT PROPERTY LOCATED AT THE CORNER OF JOHN ROBAS STREET AND FIRST AVENUE AND IDENTIFIED BY PARCEL NUMBER 20-3N-29-0000-0014-0010, TOTALING 0.38 ACRES OF LAND.





STAFF REPORT
PAB (LU/CZ) 2016-16
Planning Advisory Board Hearing
July 13, 2016



APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Phoenix Investments, LLC				
AGENT:	Roger Towers, P.A. – Jon C. Lasserre, Esq.				
REQUESTED ACTION:	Small Scale Future Land Use Map Amendment and Zoning Change				
LOCATION:	Corner of John Robas and First Avenue PIN# 20-3N-0000-0014-0010				
CURRENT LAND USE +	General Commercial (GC) and C-1 (Community Commercial)				
ZONING:					
PROPOSED LAND USE +	High Density Residential (HDR)/ R-3 (High Density Residential)				
ZONING:					
EXISTING USES ON SITE:	Vacant				
PROPERTY SIZE:	0.38 Acres				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Realty Office and City Fire Station	ERA Real Estate: 1975 and Fire Station 1979	C-1	General Commercial
	South	Townhouses	1998	C-1	Community Commercial
	East	Single Family Residential - Detached	1993/1974	R-2	Medium Density Residential
	West	Restaurant Parking and Single Family Residential- Detached	ERA Real Estate: 1989 and Home: 1991	C-1 + R-2	General Commercial and Medium Density Residential

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant is requesting assignment of the High Density Residential Future Land Use Map Category and R-3 zoning district to allow for the site to be developed as a residential project with the ability to have resort rental. The property previously sought the R-3 zoning in 2004 with the intent to develop three (3) townhome units. Although, the request received a recommendation for approval of the zoning change and for the requested "special use," the applicant requested the application be withdrawn prior to City Commission consideration. At this time, the applicant is requesting the land use and zoning change. Plans have not been provided about any potential development of the site. Site plans are not required to be reviewed as part of a future land use map amendment and zoning change request.

CONSISTENCY WITH THE COMPREHENSIVE PLAN (PLAN):

The property contains a Future Land Use Designation of General Commercial (GC), Policy 1.07.08. The applicant is requesting a new land use assignment of High Density Residential (HDR), Policy 1.07.06.

Policy 1.02.04 provides nine (9) factors for Future Land Use Map decision making which include, the type and density of surrounding uses, zoning districts within the surrounding area, and compatibility of uses within the surrounding area. Policy 1.02.06, 1.02.08, and 1.02.09 directs land uses which strive to protect the integrity and



**STAFF REPORT
PAB (LU/CZ) 2016-16
Planning Advisory Board Hearing
July 13, 2016**

stability of established residential areas from encroachment by incompatible development and providing for orderly transition of incompatible uses.

The property located at 1st Avenue and John Robas has historically has remained vacant commercial property. This requested use of High Density Residential is in keeping with the established pattern, zoning and use within the surrounding residential area. The requested HDR land use can be used as a transitional zoning district between the adjoining Medium Density Residential properties to the East and West and the General Commercial properties North and South. The townhouses located just south of this property are nonconforming under their land use and zoning of General Commercial/ C-1 and do not carry any residential density at this time. Future FLUM and Zoning updates to the overall maps should consider the existing use of the adjoining properties for consistency along the 1st Avenue block face.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Section 2.01.06 of the Land Development Code states the intent of R-3 High Density Residential, zoning classification. The R-3 zoning district allows for both single family residential developments as well as multifamily and the ability to have resort rentals.

Section 2.01.06 of the Land Development Code states the intention of the High Density Residential (R-3) zoning district as follows:

The R-3 District is intended for the development of high density residential uses allowing both single and multi-family dwellings. Bed and breakfast inns and resort rental dwellings may be allowed, subject to additional design standards. Limited neighborhood commercial uses may be allowed through the PUD process.

CONCLUSION:

The applicant's request is logical given the nature and characteristics of the surrounding resort style properties with commercial and recreational opportunities to the North and the nonconforming townhouse development at its South. Further, as evidenced in PAB Case 2016-08, properties located at 2158 and 2159 S. Fletcher currently operated under an active status as a grandfathered "resort rental." The adjoining townhouse complex may operate with less than monthly rentals because the property is commercially zoned (C-1), therefore the City would not maintain records of resort rentals at that location. The High Density Residential (HDR) land use and R-3 zoning represent a transitional district between the more intensive commercial properties and the adjoining residential properties. Therefore, staff recommends approval of the applicant's request.

MOTION(S) TO CONSIDER

I move to recommend (**approval or denial**) of PAB case number 2016-16 to the City Commission requesting a Future Land Use Map assignment of High Density Residential and zoning change to R-3 from General Commercial land use and C-1 zoning, as described and that PAB case 2016-16 as presented, (**is or is not**) sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

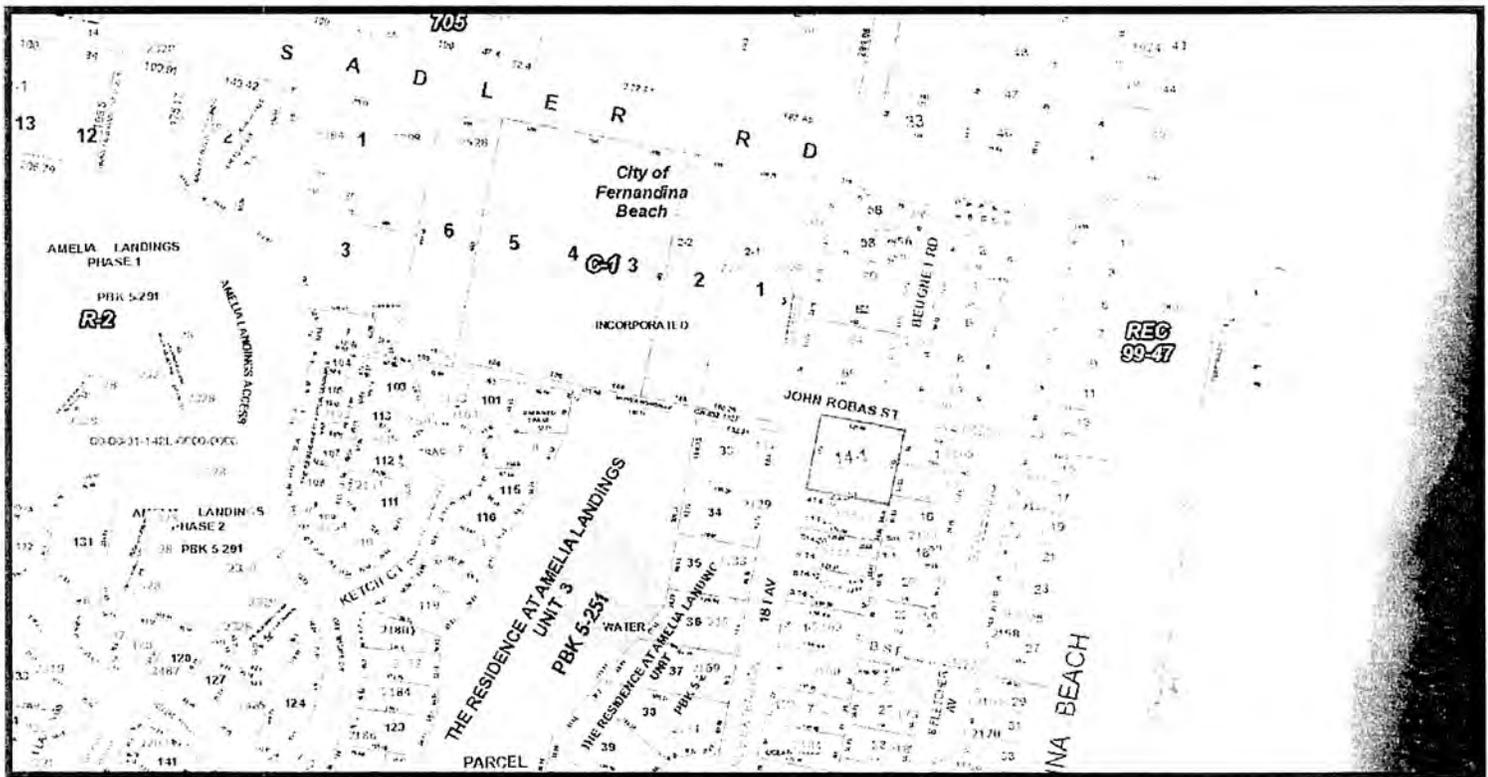
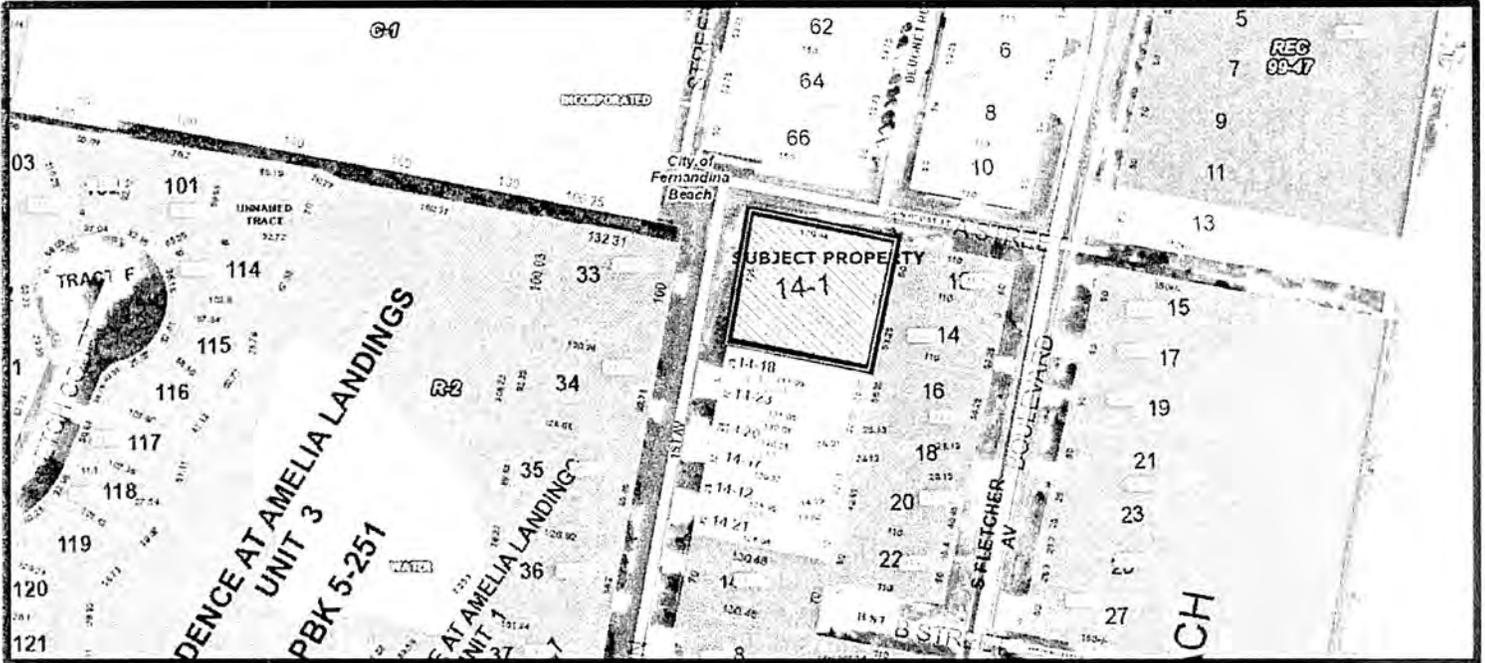
Submitted by:

Kelly N. Gibson, AICP
Senior Planner



STAFF REPORT
PAB (LU/CZ) 2016-16
Planning Advisory Board Hearing
July 13, 2016

EXHIBIT A





Civil & Environmental Engineering • Mechanical & Structural Engineering • Construction Management

March 22, 2004

Ms. Anne Catinna, Planning Director
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

**Re: Letter of Intent: Kuitem Property
1st Avenue Extension, Fernandina Beach, FL**

Dear Ms. Catinna:

Gillette & Associates, Inc., on behalf of Mr. Kuitem, is pleased to submit the application for the Future Land Use Map change, rezoning and special use of the above-referenced property. The attached application(s) reflects the intent to change the FLUM, rezone and request a special use for a 0.39 acre parcel in the City of Fernandina Beach. The requested FLUM change is from Medium Intensity Commercial to High Density Residential. The requested zoning change is from Commercial-1 (C-1) to Residential-3 (R-3). The requested special use is to construct within the Coastal Upland Protection Zone.

The proposed development of the property is for construction of 3 townhomes/ condominium units. No conceptual or site plans have been developed for this site at this time. The proposed use is consistent with the development pattern in the adjacent area.

Thank you for your time and consideration on this application, and please contact me at your earliest convenience with any questions that you may have.

Sincerely,

Nick E. Gillette, P.E.
Gillette & Associates, Inc
Principal & Engineer

C22004-23

**APPLICATION FOR ZONING AMENDMENT
PLANNING ADVISORY BOARD
CITY OF FERNANDINA BEACH, FLORIDA**

1. APPLICANT'S INFORMATION

Applicant(s): Frank Kuitems Telephone: 904/ 491-3838
Address: 5209 Leeward Cove Drive Fax: 912/ 729-8888
Fernandina Beach, FL 32034 E-mail: _____

2. OWNER'S INFORMATION

Owner(s): Frederick Kuitems Telephone: 704/ 843-0120
Address: 8013 Agape Lane Fax: 704/ 843-6450
Waxhaw, NC 28173 E-mail: _____

3. APPLICANT'S AGENT

Name: Nick Gillette, P.E. Gillette & Associates, Inc. Telephone: 904/ 261-8819
Address: 20 South 4th Street Fax: 904/ 261-9905
Fernandina Beach, FL 32034 E-mail: nick@gilletteassociates.com

4. APPLICANT'S REGISTERED LAND SURVEYOR/ENGINEER

Name: James Peacock, Surveyor & Mapper Telephone: 904/ 261-8950
Address: 34 North 14th Street Fax: 904/ 277-6650
Fernandina Beach, FL 32034 E-mail: _____

Property Information:

5. Project Name: Frank Kuitem Lot

6. Street Address: First Avenue Extension

7. Lot Number: 14-1 Block Number: ~~14-1~~ Subdivision Hampton Addition

8. Section: 20 Township: 3N Range: 29E Nearest Street Intersection: John Robas Street

9. Parcel Identification Number(s): 20-3N-29-0000-0014-0010

10. Area: 0.39 acres Number of Lots/Parcels: 1

11. Existing Future Land use Map Classification: Medium Intensity Commercial

12. Proposed Future Land Use Classification: High Density Residential

13. Existing Zoning Classification: Commercial -1 (C-1)

14. Proposed Zoning Classification: Residential -3 (R-3)

15. Existing Land Use: Vacant

16. Proposed Land Use: Residential

17. Address of the applicant or agent, where correspondence may be sent.

Nick Gillette, PE Gillette & Associates, Inc
20 South 4th St., Fernandina Beach, FL 32034

Telephone number: 904/ 261-8819

Date of Submittal: 3/22/04

18. The undersigned having been duly sworn on oath states the above information is true and correct as (s)he is informed and believes.

I (we) also understand that the application fee does not include the fees associated with engineering review and/or construction inspection. Fees for engineering review and/or construction inspection are the direct responsibility of the applicant payable directly to the engineering firm(s) specified by the City of Fernandina Beach for the services, inspections, reports, and the like required by the City of Fernandina Beach. I certify that no land clearing, excavation and/or filling has occurred on this property, and that no clearing, excavation and/or filling will commence prior to the issuance of a Land Clearing Permit. I do hereby agree to perform any authorized land clearing, excavation and/or filling in accordance with the approved site plan and the City of Fernandina Beach Land Development Regulations.

3-11-04
Date

Signature of Owner(s) or Agent

STATE OF FLORIDA }
COUNTY OF NASSAU }

SS:

Subscribed and sworn to before me this 11th day of March, 2004.

Dawn M Shelton
Notary Public: Signature

Dawn M Shelton
Printed Name

My Commission Expires:

Feb 8, 2005



DAWN M. SHELTON
Notary Public, State of Florida
My comm. expires Feb. 8, 2005
Comm. No. DD 000270

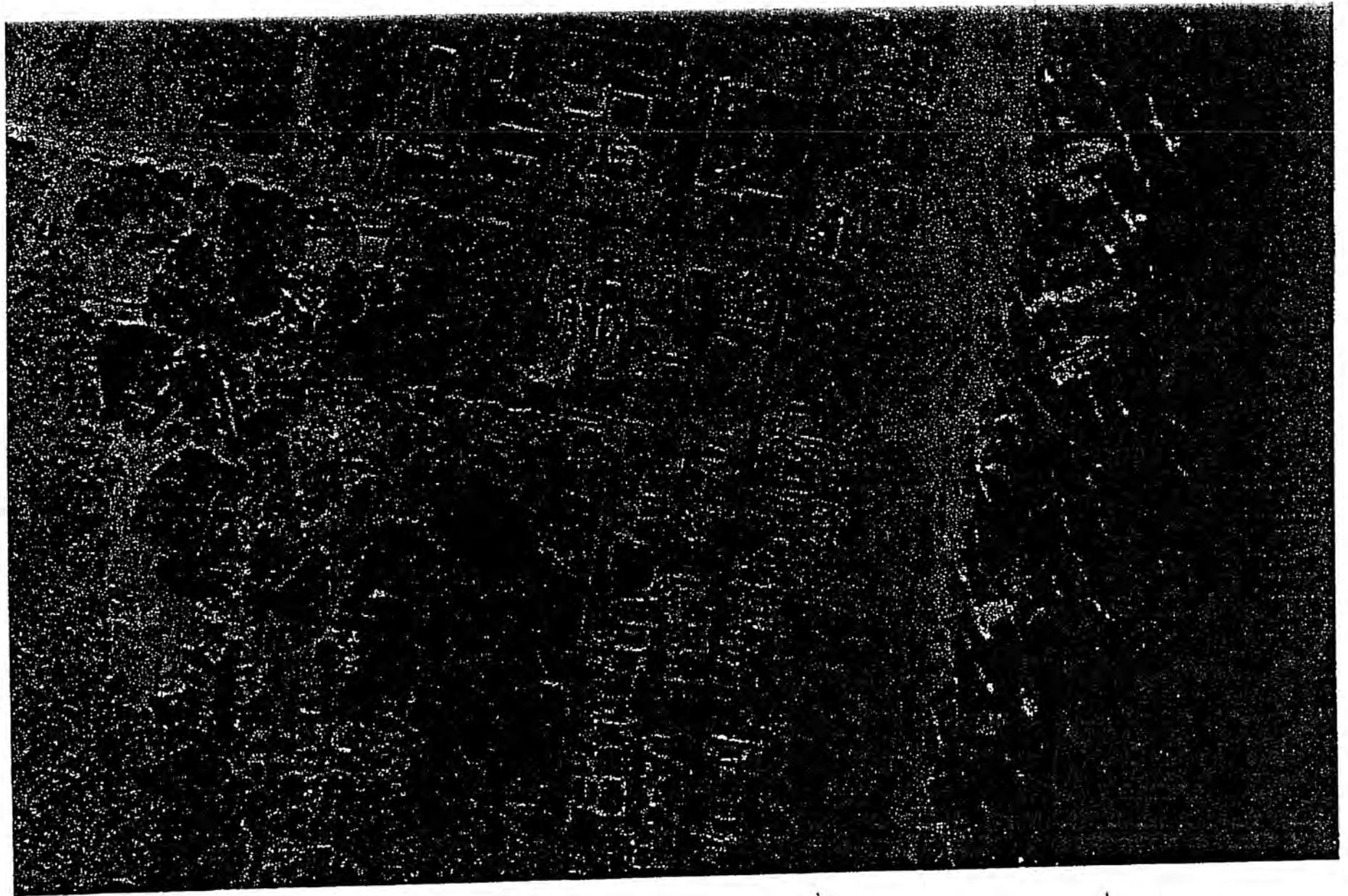


RECEIVED
MAR - 8 2004

subject
property

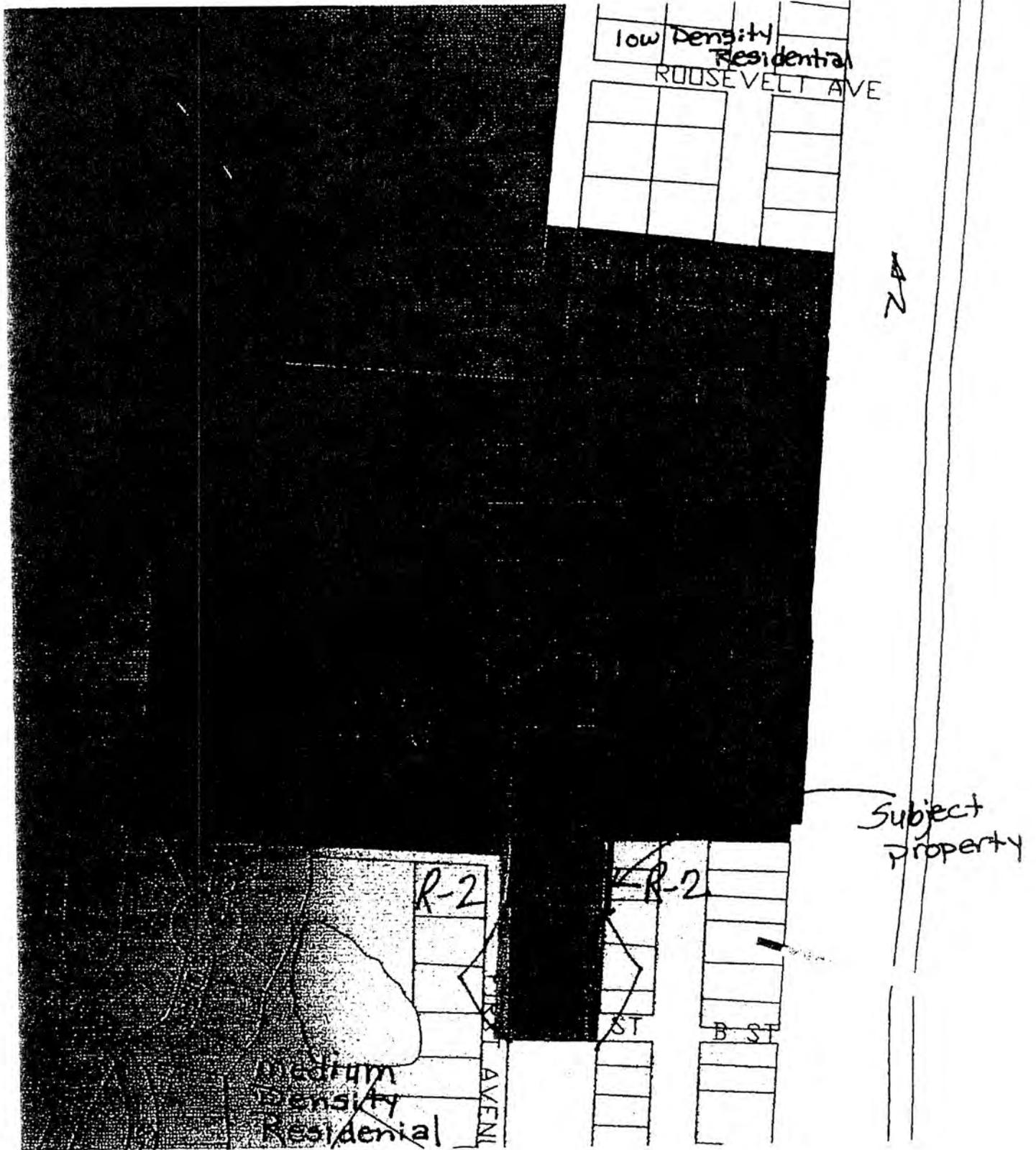
PROPERTY APPRAISER
OF NASSAU COUNTY

KWITE



N

Kuitams



FLUM

2004-23



R-3

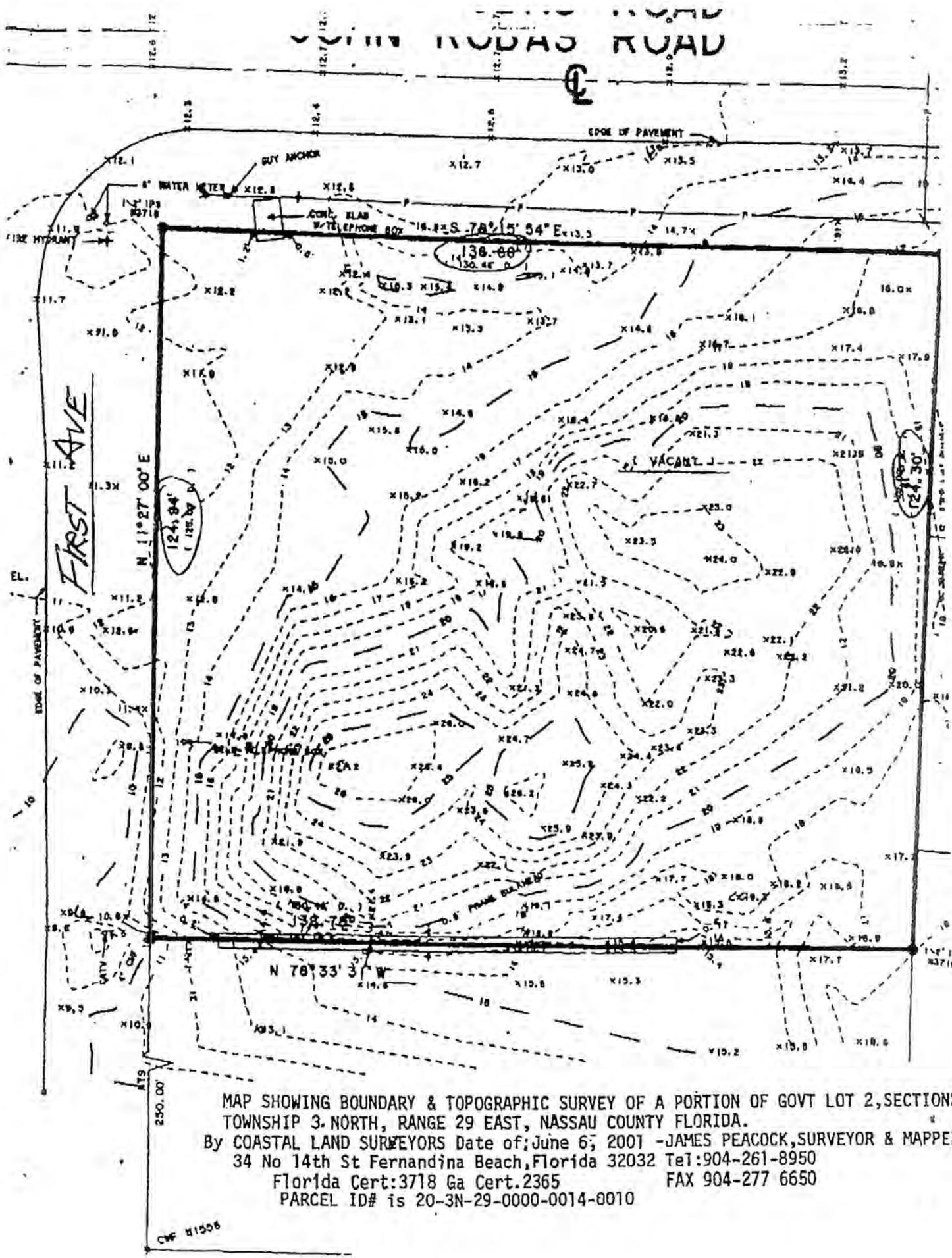
AZ

Subject Property

R-1A

ZONING
2004-23

GOVT LOT 2, SECTION 2



MAP SHOWING BOUNDARY & TOPOGRAPHIC SURVEY OF A PORTION OF GOVT LOT 2, SECTION 2 TOWNSHIP 3, NORTH, RANGE 29 EAST, NASSAU COUNTY FLORIDA.
 By COASTAL LAND SURVEYORS Date of: June 6, 2001 - JAMES PEACOCK, SURVEYOR & MAPPER
 34 No 14th St Fernandina Beach, Florida 32032 Tel: 904-261-8950
 Florida Cert: 3718 Ga Cert: 2365 FAX 904-277 6650
 PARCEL ID# is 20-3N-29-0000-0014-0010

CHF 11556

STAFF REPORT
Request for Change in Zoning Classification
CZ 2004-23
.39 acres on First Ave at John Robas Rd

I. General Information

Applicant/Owner(s):

Frank Kuitems/Frederick Kuitems
5209 Leeward Cove Dr
Fernandina Beach, FL 32304

Agent Name:

Nick Gillette, P.E.
Gillette & Associate, Inc
20 South 4th St
Fernandina Beach, FL 32034

Requested Action:

Change of Zoning from C-1. Community Commercial District to R-3, Multiple Family District

Applicable Regulations:

Chapter 98- Administration
Article III - Administration and Enforcement
Chapter 126 - Zoning, Article III - Districts
Division 6, R-3, Multiple Family District

II.

Legal:

Block 10, Lot 14-1 of Hamby's Addition as recorded in Book 1020, page 456

Lot Size:

.39 Acres

Existing Land use:

Vacant

Surrounding Land Uses:

North - ERA Realty
South - Residential
East - Residential
West - Residential

Zoning Classification:

CI Community Commercial District

Surrounding Zoning

Surrounding FLUM

North -C-1

North - Medium Intensity Commercial

South -R-2

South - Medium Density Residential

East - R-2

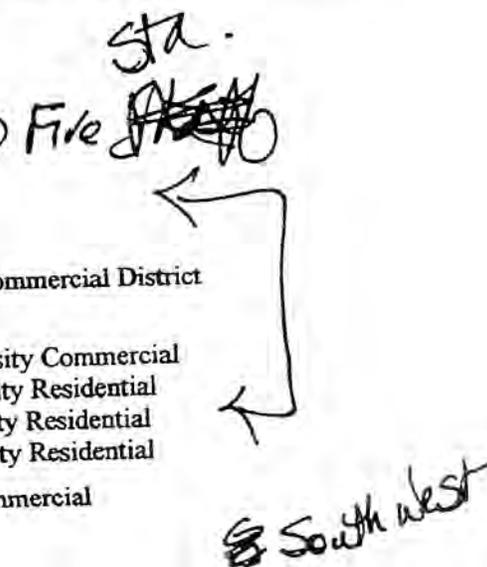
East - Medium Density Residential

West - R-2

West- Medium Density Residential

Existing FLUM:

Medium Intensity Commercial



III. Analysis

This is a small tract, slightly less than one acre (15,060 sq. ft.). The site is located on the northeast corner of the intersection of John Robas St. and South Fletcher Avenue. 1st. Ave.

The applicants plans to construct three two-story town homes on the site and requests that the zoning classification be changed from C-1 to R-3 to allow him to do so.

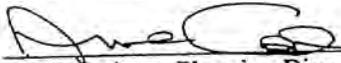
The R-3 zoning classification is intended for the development of medium and high density multiple family residential units or other related uses as designated in the comprehensive plan. The site is directly adjacent to a R-2 one-and two family district and to a PUD with underlying zoning of R-2

High The character of the development will comply with the comprehensive plan density restrictions of the ~~Medium~~ ^{High} Density Residential classification of 4-8 units per acre. This is a major issue in determining if "spot zoning" is being created. Spot zoning is usually rezoning of a parcel, usually small, to a zoning classification that is dissimilar to the zoning of the surrounding property. Zoning changes affecting small areas may be considered transitional zones between sharply contrasting districts. Such buffer zones often involve multi-family housing.

The change of zoning classification from C-1 to R-3 does not change the character of the neighborhood in an adverse way. Development of the site will require site plan review by the Technical Review Committee.

IV. Findings

The applicant's requested change in the Zoning District classification from C-1 Community Commercial to R-3 Multiple Family District appears to be consistent with Sec. 126-181 "Intent." "The R-3 district is intended for the development of medium and high density multiple family residential units or other related uses as designated in the comprehensive plan. In addition, the change is requested jointly with an application for a City of Fernandina Beach Future Land Use Map (FLUM) classification change from Low Intensity Commercial to High Density Residential. Staff does not offer a recommendation on this application." 7


Anne Catinna, Planning Director



City of Fernandina Beach

PLANNING DEPARTMENT

AGENDA

LOCAL PLANNING AGENCY SPECIAL MEETING AND PLANNING ADVISORY BOARD SPECIAL MEETING

WEDNESDAY, MAY 26, 2004
6:00 PM

CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FLORIDA 32035

- I. Call to Order
- II. Roll Call / Determination of a Quorum
- III. Old Business Local Land

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

- A. Land Use: LU 2004-24 to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential.

- IV. Old Business Advisory Board

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

- A. Annexation: AX 2004-24 to annex into the City boundary.
- B. Zoning Amendment: CZ 2004-24 to change the zoning map classification from County Open Rural (OR) to City One and Two Family Zoning District (R-2).

- V. New Business Local Land:

→ **Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robb Street:**

- A. Land Use 2004-23: to change the Future Land Use Map classification from Medium Intensity commercial to High Density Residential

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

- B. Land Use 2004-37: to change the Future Land Use Map classification from County Intensive Commercial (CI) to City High Intensity Commercial C-1).

VI. New Business Advisory Board

→ Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:

- A. Zoning Change 2004-23: to change the classification from Commercial (C-1) to Residential (R-3)
- B. Special Use 2004-23: to allow for construction of three townhome units

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

- C. Annexation 2004-37: to annex into the City boundary.
- D. Zoning Change 2004-37: to change the classification from County Commercial Intensive (CI) to city Commercial (C-1).

Reggie & Holly Bradford, 1240 South Fletcher Avenue:

- E. Special Use 2004-35: for the construction of a single-family home in the Coastal Protection Zone in an R-1A: Single Family Dwelling District.

VII. Board Business:

VIII. Adjournment

**NEXT PLANNING ADVISORY BOARD MEETING:
WEDNESDAY, JUNE 9, 2004**

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 277-7303, TTY 277-7399, or through the Florida Relay Services at 1-800-955-8771 (TTY number for all City offices) at least 24 hours in advance to request such accommodations.

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 Planning Department. If any person decides to appeal any decision made by the Planning Advisory Board with respect to any matter considered at such meeting 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 made.

MINUTES

**PLANNING ADVISORY BOARD
SPECIAL MEETING
WEDNESDAY – MAY 26, 2004
6:00 PM**

**CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FLORIDA 32034**

I. Call to Order

Chairman Wilking called the meeting to order.

II. Roll Call/Determination of Quorum

Board Members Present

J. Peter Wilking, Chair
Richard Bradford
William A. Conger
Paul Condit
David Beal (Alternate)

Horace B. Clark III, Vice Chair
Mark Bennett
Marilyn Williamson
Renea Scott Rice (Alternate)

Others Present

Anne Catinna, City Planner
Anita Louise Ross, Recording Secretary

Chairman Wilking welcomed Mr. Beal and Ms. Rice as alternates to the PAB. He referred to the Minutes from the April 28, 2004 meeting for the Board's consideration. Board Member Williamson corrected the number to be 1.03.01 on page 3 the first paragraph. Board Member Conger referred to page 2 the sentence that refers to objective 11.1 and requested that this be clarified. **A motion was made by Board Member Conger, seconded by Board Member Clark, to approve the Minutes of April 28th subject to the clarification of page 2. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

III. Old Business Local Land

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

A. Land Use: LU 2004-24: to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential.

A motion was made by Board Member Bradford, seconded by Board Member Condit, to adjourn as PAB and convene as the Local Planning Agency. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

MINUTES
Planning Advisory Board
May 26, 2004

The Board took a brief recess at this time.

V. **New Business Local Land**

Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:

A. Land Use 2004-23: to change the Future Land Use Map classification from Medium Intensity commercial to High Density Residential

Ms. Catinna referred to the staff report #3 analysis and pointed out the factors that have to be looked at for compatibility. Board Member Clark questioned the statement in the findings that says medium density residential. Ms. Catinna corrected the findings to reflect that the FLUM amendment request from Medium Density Commercial to High Density Residential would be consistent with the intent of the Comprehensive Plan and should be changed to High Density Residential. Board Member Clark noted that the report showed that the furthest property was located at the northwest corner of First and Robles and stated that it should be the southeast corner. Board Member Bennett commented that the support documents show that this site is 15,060 square feet and noted that this was inconsistent with the .39 acres that is shown elsewhere in the documents. Mr. Gillette replied that it is .39 acres. There was a brief discussion about this topic.

Mr. Gillette stated that as part of the Special Use they were trying to have three units on .39 acres. He explained that the R-3 zoning was so that they could put three units together. He commented that the Special Use shows that they have drainage. He stated that it is compatible with the land use of High Density Residential that they were asking for and is a good transition from the Medium Intensity Commercial to the north and the commercial to the south that has a residential development that is of a high density nature. Board Member Clark inquired if with R-3 zoning was it possible for someone to put more than three units on that lot. Mr. Gillette stated that .39 acres times 10 units per acre was 3.9 and they would exceed it went to 4 units. Board Member Bennett inquired if all of the dune would be retained on the site. Mr. Gillette commented that there are some contours that are challenging and they would be retaining a good bit of it.

Mr. Frank David Kuitens, 5209 Leeward Cove, explained that his intent was to build on this property that he was in the process of buying from his father. He stated that the property to the south is in C-1 zoning and on that 120 feet there are four units. He requested half of what that property got. A motion was made by Board Member Condit, seconded by Board Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Board Member Clark inquired if there was a problem with changing the land use and having an island of commercial to the south of it even though the current use is residential. Ms. Catinna stated that it is transitional zoning from a lower use to a higher use and it is an acceptable practice. Mr. Gillette commented that they were on the other side of the road from the commercial and adjacent to the property is residential. After some discussion about this area, City Attorney Braga stated that on the map the property that is immediately to the south is actually commercial zoned designation, but has a residential use on it. She requested clarification because the staff report says to the south is residential and zoned residential. Ms. Catinna replied that it is R-2 to the south. Mr. Gillette stated on the map it is

MINUTES
Planning Advisory Board
May 26, 2004

shown to be C-1 and explained that he was not sure if the maps were current. He noted that it was developed residential. After reviewing the information, Ms. Catinna stated that looking at the FLUM to her is was medium density residential south. Board Member Clark referred to the southern portion of the little gray appendage that points to the south. Ms. Catinna stated that is commercial. **A motion was made by Board Member Condit, seconded by Board Member Williamson, to forward to the City Commission approval of LU 2004-23.** Board Member Conger noted that there would be low intensity commercial to the south of it and to the north of it. He questioned putting high density residential between two commercial districts. Chairman Wilking noted that this was a valid point and commented that you have to also look at the current uses. Mr. Gillette explained that they were changing medium intensity commercial and high density residential is a good transition from medium intensity commercial down to a residential use. After further review of the information in the packet and discussion about this request, there was a suggestion made to change the FLUM and zoning for that parcel or parcels to the south. There was some further deliberation about the appropriate land use for this property. Chairman Wilking inquired if there was any reason to deny this to prevent creating the enclave. City Attorney Braga stated that the staff should answer this question in regard to spot zoning because they are the sworn parties and give the Board testimony upon which to base their decision. Ms. Catinna stated that she believe it creates spot land use, but on the other hand looking at the uses it isn't. Board Member Clark suggested that the Board could have a motion something to the affect that this be approved and recommend that staff use the City's authority to initiate a land use change for the commercial parcels to the south. After a brief discussion about the suggestion, City Attorney Braga stated that based on all the evidence heard the Board had substantial competent evidence. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Board Member Condit:	Aye
Board Member Williamson:	Aye
Board Member Bradford:	Aye
Board Member Conger:	Nay
Board Member Bennett:	Aye
Board Member Clark:	Aye
Chairman Wilking:	Aye

Motion carried.

MINUTES
Planning Advisory Board
May 26, 2004

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

B. Land Use 2004-37: to change the Future Land Use Map classification from County Intensive Commercial (CI) to City High Intensity Commercial C-1).

The Board deviated from the agenda to hear the next item on the agenda.

VI. New Business Advisory Board

Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:

A. Zoning Change 2004-23: to change the classification from Commercial (C-1) to Residential (R-3)

A motion was made by Board Member Condit, seconded by Board Member Bradford, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna gave an overview of the request as contained in the agenda support documents. There was some deliberation about the information presented in the agenda support documents. Chairman Wilking corrected 4 to 8 units per acre to 10 units per acre and high density instead of medium density. Board Member Clark questioned if spot zoning was ok if it serves a transitional purpose of a small parcel. Ms. Catinna replied yes.

Mr. Gillette referred to his prior testimony and was available for questions. A motion was made by Board Member Williamson, seconded by Board Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. A motion was made by Board Member Bradford, seconded by Board Member Williamson, to forward to the City Commission a recommendation of changing from C-1 Commercial to R-3. City Attorney Braga stated that based on all the evidence in the packet and the evidence presented as testimony there was substantial competent evidence.

Vote upon passage of the motion was taken by ayes and nays and was as follows:

Board Member Bradford:	Aye
Board Member Bennett:	Aye
Board Member Clark:	Aye
Board Member Williamson:	Aye
Board Member Conger:	Nay
Board Member Condit:	Aye
Chairman Wilking:	Aye

Motion carried.

B. Special Use 2004-23: to allow for construction of three townhome units

A motion was made by Board Member Condit, seconded by Board Member Clark, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna explained that Special Use permits are suppose to look at the environmentally sensitive land issues of the site that is being developed. She stated the Special Use permits are not to discuss zoning changes, Ordinances, or clarifications of Ordinances. She

MINUTES
Planning Advisory Board
May 26, 2004

explained that if there is a need for a clarification of an Ordinance that should be directed by the PAB to the Board of Adjustment to make a determination. She gave an overview of the request as contained in the agenda support documents.

Mr. Gillette referred to the drainage plan and stated that it shows spot elevations that go from the finished floor elevation down slightly for drainage reasons and then back up to the natural grade. He explained that there was roughly a twenty-foot transitional area on the eastern face of the building. He stated that this would preserve a range of 20-50 feet of width of that dune. Chairman Wilking inquired if plans were to redistribute the sand there or remove it from the site. Mr. Gillette referred to the cut and fill calculations and stated that they would be removing a little bit. He commented that a lot was reshaping with the exception of the northeast corner which is the true largest part of the dune that will remain as un-impacted as possible. Board Member Clark inquired if the application was leaving options open by putting townhomes/condominiums. Mr. Gillette replied yes. A motion was made by Board Member Williamson, seconded by Board Member Bennett, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. A motion was made by Board Member Bennett, seconded by Board Member Williamson, to approve SU 2004-23 as presented. City Attorney Braga stated that based on all the evidence presented especially the plans submitted by the engineer there was substantial competent evidence. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

The Board returned to being the Local Planning Agency to hear the item that was skipped over earlier.

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

B. Land Use 2004-37: to change the Future Land Use Map classification from County Intensive Commercial (CI) to City High Intensity Commercial C-1).

A motion was made by Board Member Condit, seconded by Board Member Clark, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna gave an overview of the request as contained in the agenda support documents. Chairman Wilking noted that this case also has an annexation application. Ms. Catinna referred to staff findings and explained that the request from Nassau County Commercial Intensive to City General Commercial (GC) would be consistent with the Comprehensive Plan. Chairman Wilking requested to hear the annexation request first and vote on each application individually. There was a consensus to hear the annexation request first.

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

C. Annexation 2004-37: to annex into the City boundary.

Ms. Catinna gave a brief overview of the request as contained in the agenda support documents. Board Member Clark referred to the surrounding land uses and requested clarification. Ms. Catinna stated that it had been corrected and explained that an email had been sent. Board Member Clark noted that north was Publix shopping center, south was mixed use industrial uses, east is a bank, and west is a shopping center. He stated that the south actually looked to be about 60% residential and 40%. Mr. McCranie explained that there were a couple of commercial and there was some residential. He stated that he thought

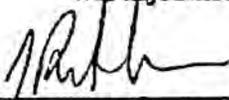
Board Member Clark suggested having staff pursue changing the Land Use and Zoning for that little commercial enclave that was just created south of the Kuitens property.

Board Member Bradford inquired if there was anyway to eliminate the area that was made with Ocean Breeze and annex something in that we annexed. The particular parcel that they are trying to annex to the zoning that they want done rather than having something hanging out there that's not compatible to City zoning. (Please reword this to make it make sense.) City Attorney Braga stated that the way to do it is to try to keep everything together, however in this case it just didn't happen. She explained that under State Law they are required to file within 2 months and the City gives them 6 months under City Ordinance. She commented that she thought the City needed to keep better track of them to make sure that they file when they are suppose to file. There was some further discussion about this topic.

*See Mr. Bradford
Edits*

VIII. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned at 9:14 p.m.



J. Peter Wilking, Chairman


Horace B. Clark III, Vice Chair

Planning Advisory Board
Action Taken
MAY 26, 2004

FORWARD TO CITY COMMISSION FOR REVIEW:

APPROVED:

Frank Knitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robas Street:

LU 2004-23: to change the Future Land Use Map classification from Medium Intensity commercial to High Density Residential

CZ 2004-23: to change the classification from Commercial (C-1) to Residential (R-3)

SU 2004-23: to allow for construction of three townhome units

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

LU 2004-37: to change the Future Land Use Map classification from County Intensive Commercial to City General Commercial.

AX 2004-37: to annex into the City boundary.

CZ 2004-37: to change the classification from County Commercial Intensive (CI) to city Commercial (C-1).

Reggie & Holly Bradford, 1240 South Fletcher Avenue:

SU 2004-35: for the construction of a single-family home in the Coastal Protection Zone in an R-1A: Single Family Dwelling District.

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

AX 2004-24: to annex into the City boundary.

DENIED – FORWARDED PAB RECOMMENDATION:

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

CZ 2004-24: to change the zoning map classification from County Open Rural (OR) to City One and Two Family Zoning District (R-2). PAB RECOMMENDS R-1A

LU 2004-24: to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential. PAB RECOMMENDS LOW DENSITY RESIDENTIAL

WR

MEMORANDUM

TO: Robert T. Mearns, City Manager
FROM: Anne Catinna, ~~Planning Director~~ *Planner II*
DATE: June 9, 2004
RE: Planning and Zoning Bi-Weekly Status Report

The following applications were forwarded to City Commission by the LPA at their May 26, 2004 meeting with a recommendation to approve:

Local Planning Agency

- LU 2004-23: Frank Kuitems, 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robas, Street to change the Future Land Use Map classification from Medium Intensity Commercial to High Density Residential.
- LU 2004-37: Sadler Crossings, 3.68 acre parcel located at 1458 Sadler Road, to change the Future Land Use Map classification from County Intensive Commercial to City General Commercial.

The following application was forwarded to City Commission by the LPA at their May 26, 2004 meeting with a recommendation to deny

- LU 2004-24: Delmar Villas, 3.6 acre parcel located at 722 & 734 Simmons Road, to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential. (At the applicant's request, this case has been tabled until July 6 /city Commission meeting)

Planning Advisory Board

The following applications received a recommendation of approval by the PAB at the May 26, 2004 meeting and were forwarded to City Commission:

- Frank Kuitems 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robas Street:
 - CZ 2004-23: to change the zoning classification from Commercial (C-1) to Residential (R-3)
 - SU 2004-23: to allow a special use for the construction of three townhome units.
- Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:
 - AX 2004-37: to annex into the City boundary.
 - CZ 2004-37: to change the classification from County Commercial Intensive (CI) to City General Commercial (C-2).

MINUTES

PLANNING ADVISORY BOARD
SPECIAL MEETING
WEDNESDAY – MAY 26, 2004
6:00 PM

CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FLORIDA 32034

I. Call to Order

Chairman Wilking called the meeting to order.

II. Roll Call/Determination of Quorum

Board Members Present

J. Peter Wilking, Chair
Richard Bradford
William A. Conger
Paul Condit
David Beal (Alternate)

Horace B. Clark III, Vice Chair
Mark Bennett
Marilyn Williamson
Renea Scott Rice (Alternate)

Others Present

Anne Catinna, City Planner
AnitaLouise Ross, Recording Secretary

Chairman Wilking welcomed Mr. Beal and Ms. Rice as alternates to the PAB. He referred to the Minutes from the April 28, 2004 meeting for the Board's consideration. Board Member Williamson corrected the number to be 1.03.01 on page 3 the first paragraph. Board Member Conger referred to page 2 the sentence that refers to objective 11.1 and requested that this be clarified. **A motion was made by Board Member Conger, seconded by Board Member Clark, to approve the Minutes of April 28th subject to the clarification of page 2. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

III. Old Business Local Land

Delmar Villas 3.6 acre parcel located at 722 & 734 Simmons Road

A. Land Use: LU 2004-24: to change the Future Land Use Map Classification from County Medium Density Residential to City Medium Density Residential.

A motion was made by Board Member Bradford, seconded by Board Member Condit, to adjourn as PAB and convene as the Local Planning Agency. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

MINUTES
Planning Advisory Board
May 26, 2004

The Board took a brief recess at this time.

V. **New Business Local Land**

Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:

A. Land Use 2004-23: to change the Future Land Use Map classification from Medium Intensity commercial to High Density Residential

Ms. Catinna referred to the staff report #3 analysis and pointed out the factors that have to be looked at for compatibility. Board Member Clark questioned the statement in the findings that says medium density residential. Ms. Catinna corrected the findings to reflect that the FLUM amendment request from Medium Density Commercial to High Density Residential would be consistent with the intent of the Comprehensive Plan and should be changed to High Density Residential. Board Member Clark noted that the report showed that the furthest property was located at the northwest corner of First and Robles and stated that it should be the southeast corner. Board Member Bennett commented that the support documents show that this site is 15,060 square feet and noted that this was inconsistent with the .39 acres that is shown elsewhere in the documents. Mr. Gillette replied that it is .39 acres. There was a brief discussion about this topic.

Mr. Gillette stated that as part of the Special Use they were trying to have three units on .39 acres. He explained that the R-3 zoning was so that they could put three units together. He commented that the Special Use shows that they have drainage. He stated that it is compatible with the land use of High Density Residential that they were asking for and is a good transition from the Medium Intensity Commercial to the north and the commercial to the south that has a residential development that is of a high density nature. Board Member Clark inquired if with R-3 zoning was it possible for someone to put more than three units on that lot. Mr. Gillette stated that .39 acres times 10 units per acre was 3.9 and they would exceed it went to 4 units. Board Member Bennett inquired if all of the dune would be retained on the site. Mr. Gillette commented that there are some contours that are challenging and they would be retaining a good bit of it.

Mr. Frank David Kuitens, 5209 Leeward Cove, explained that his intent was to build on this property that he was in the process of buying from his father. He stated that the property to the south is in C-1 zoning and on that 120 feet there are four units. He requested half of what that property got. A motion was made by Board Member Condit, seconded by Board Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Board Member Clark inquired if there was a problem with changing the land use and having an island of commercial to the south of it even though the current use is residential. Ms. Catinna stated that it is transitional zoning from a lower use to a higher use and it is an acceptable practice. Mr. Gillette commented that they were on the other side of the road from the commercial and adjacent to the property is residential. After some discussion about this area, City Attorney Braga stated that on the map the property that is immediately to the south is actually commercial zoned designation, but has a residential use on it. She requested clarification because the staff report says to the south is residential and zoned residential. Ms. Catinna replied that it is R-2 to the south. Mr. Gillette stated on the map it is

MINUTES
Planning Advisory Board
May 26, 2004

shown to be C-1 and explained that he was not sure if the maps were current. He noted that it was developed residential. After reviewing the information, Ms. Catinna stated that looking at the FLUM to her is was medium density residential south. Board Member Clark referred to the southern portion of the little gray appendage that points to the south. Ms. Catinna stated that is commercial. **A motion was made by Board Member Condit, seconded by Board Member Williamson, to forward to the City Commission approval of LU 2004-23.** Board Member Conger noted that there would be low intensity commercial to the south of it and to the north of it. He questioned putting high density residential between two commercial districts. Chairman Wilking noted that this was a valid point and commented that you have to also look at the current uses. Mr. Gillette explained that they were changing medium intensity commercial and high density residential is a good transition from medium intensity commercial down to a residential use. After further review of the information in the packet and discussion about this request, there was a suggestion made to change the FLUM and zoning for that parcel or parcels to the south. There was some further deliberation about the appropriate land use for this property. Chairman Wilking inquired if there was any reason to deny this to prevent creating the enclave. City Attorney Braga stated that the staff should answer this question in regard to spot zoning because they are the sworn parties and give the Board testimony upon which to base their decision. Ms. Catinna stated that she believe it creates spot land use, but on the other hand looking at the uses it isn't. Board Member Clark suggested that the Board could have a motion something to the affect that this be approved and recommend that staff use the City's authority to initiate a land use change for the commercial parcels to the south. After a brief discussion about the suggestion, City Attorney Braga stated that based on all the evidence heard the Board had substantial competent evidence. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Board Member Condit:	Aye
Board Member Williamson:	Aye
Board Member Bradford:	Aye
Board Member Conger:	Nay
Board Member Bennett:	Aye
Board Member Clark:	Aye
Chairman Wilking:	Aye

Motion carried.

MINUTES
Planning Advisory Board
May 26, 2004

Sadler Crossings 3.68 acre parcel located at 1458 Sadler Road:

B. Land Use 2004-37: to change the Future Land Use Map classification from County Intensive Commercial (CI) to City High Intensity Commercial C-1).

The Board deviated from the agenda to hear the next item on the agenda.

VI. New Business Advisory Board

Frank Kuitens 0.39 acre parcel located on the northwest corner of the intersection of First Avenue and John Robles Street:

A. Zoning Change 2004-23: to change the classification from Commercial (C-1) to Residential (R-3)

A motion was made by Board Member Condit, seconded by Board Member Bradford, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna gave an overview of the request as contained in the agenda support documents. There was some deliberation about the information presented in the agenda support documents. Chairman Wilking corrected 4 to 8 units per acre to 10 units per acre and high density instead of medium density. Board Member Clark questioned if spot zoning was ok if it serves a transitional purpose of a small parcel. Ms. Catinna replied yes.

Mr. Gillette referred to his prior testimony and was available for questions. A motion was made by Board Member Williamson, seconded by Board Member Bradford, to close the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. **A motion was made by Board Member Bradford, seconded by Board Member Williamson, to forward to the City Commission a recommendation of changing from C-1 Commercial to R-3.** City Attorney Braga stated that based on all the evidence in the packet and the evidence presented as testimony there was substantial competent evidence.

Vote upon passage of the motion was taken by ayes and nays and was as follows:

Board Member Bradford:	Aye
Board Member Bennett:	Aye
Board Member Clark:	Aye
Board Member Williamson:	Aye
Board Member Conger:	Nay
Board Member Condit:	Aye
Chairman Wilking:	Aye

Motion carried.

B. Special Use 2004-23: to allow for construction of three townhome units

A motion was made by Board Member Condit, seconded by Board Member Clark, to open the public hearing. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried. Ms. Catinna explained that Special Use permits are suppose to look at the environmentally sensitive land issues of the site that is being developed. She stated the Special Use permits are not to discuss zoning changes, Ordinances, or clarifications of Ordinances. She

MINUTES
Planning Advisory Board
May 26, 2004

Board Member Clark suggested having staff pursue changing the Land Use and Zoning for that little commercial enclave that was just created south of the Kuitems property.

(The first sentence in the following paragraph has been restated by Board Member Bradford as indicated on original.)

Board Member Bradford inquired if there was anyway to eliminate the error that was made with Ocean Breeze. To annex in property under the requested zoning at the same time instead of having the applicant return to the board to change the county zoning to a City zoning. Thus avoiding having property hanging out there that's still not compatible to City zoning for an extended length of time. City Attorney Braga stated that the way to do it is to try to keep everything together, however in this case it just didn't happen. She explained that under State Law they are required to file within 2 months and the City gives them 6 months under City Ordinance. She commented that she thought the City needed to keep better track of them to make sure that they file when they are suppose to file. There was some further discussion about this topic.

VIII. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned at 9:14 p.m.

J. Peter Wilking, Chairman

Horace B. Clark III, Vice Chair

OFFICE USE ONLY

REC'D: 6/13/16 BY: [Signature]
PAYMENT: \$ 1700 TYPE: CK 1634
APPLICATION #: 2016-0000964
CASE #: 2016-1000 CZ+2U
BOARD MEETING DATE: 7-13-16



PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10 acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

APPLICANT INFORMATION

Owner Name: Phoenix Investments, LLC, a Florida limited liability company
Mailing Address: 1940 South Fletcher Avenue, Fernandina Beach, Florida 32034
Telephone: (904) 261-5618 Fax: (904) 261-9519
Email: N/A

Agent Name: Rogers Towers, P.A., c/o Jon C. Lasserre, Esq.
Mailing Address: 960185 Gateway Blvd., Suite 203, Fernandina Beach, Florida 32034
Telephone: (904) 261-5618 Fax: (904) 261-9519
Email: JLasserre@RTLAW.com

PROPERTY INFORMATION

Street Address: Corner of John Robas Street and First Avenue, Fernandina Beach, FL 32034
Parcel Identification Number(s): 20-3N-29-0000-0014-0010
Lot Number: 14-1 Block Number: 10 Subdivision: Adjoining Hamby's Addition
Section: 20 Township: 3N Range: 29E

PROJECT INFORMATION

Total Number of Lots/Parcels: One

Less than One (1) acre Sq. Footage: Yes One (1) Acre or Greater: No

Existing Zoning Classification: C-1 (Community Commercial)

Existing Future Land Use Classification: General Commercial
Yes, See minutes from PAB meeting in May 2004 where Zoning

Previous Planning/Zoning Approvals: Map and FLUM were amended from C-1 to R-3 and Medium Intensity Commercial to High Density Residential.

Description of Request:

Requesting a zoning change from C-1, Community Commercial to R-3, High Density Residential and FLUM Designation from General Commercial to High Density Residential. The property is vacant. The adjoining property to the south is zoned C-1, but has been developed as multifamily residential (three building totaling six townhomes). The property across the street to the west is single family residential. The property to the north is zoned C-1 and is used as a fire station. The property to the east is a vacant commercial building that is zoned R-2 with a FLUM designation of Medium Density Residential.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

June 23, 2016
Date

[Signature]
Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU }
ss }

Subscribed and sworn to before me this 23 day of June, 2016.

Jennifer T. Athavale
Notary Public: Signature

Jennifer T. Athavale
Printed Name

9-30-18
My Commission Expires

Personally Known OR Produced Identification ID Produced:





Lot Jon Robus
1st Ave

**OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION**

(OWNER)

I/WE FRANK KUITJMS / PHOENIX INVESTMENTS
(print name of property owner(s))

hereby authorize: JON LESSERRE
(print name of agent)

to represent me/us in processing an application for: RE ZONE
(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]
(Signature of owner)

(Signature of owner)

FRANK KUITJMS
(Print name of owner)

OWNER - PHOENIX

(Print name of owner)

INVESTMENTS

Virginia
STATE OF FLORIDA }
Wynne }
COUNTY OF NASSAU }



DIANE SHEETS DOYLE
NOTARY PUBLIC 7625066
COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES FEBRUARY 28, 2019

Subscribed and sworn to before me this 11th day of June, 2014

[Signature]
Notary Public: Signature

Diane Sheets Doyle
Printed Name

2/28/19
My Commission Expires

Personally Known _____ OR Produced Identification _____ ID Produced: _____

1. **Call to Order** - The meeting was called to order at 5:02 pm.

Roll Call/Determination of Quorum

Board Members Present

Judith Lane, Chair	Mark Bennett, Vice-Chair
David Beal	Jon Lasserre
Charles Rogers	Chip Ross
Eric Lawrence (alternate)	Jamie Morrill (alternate)

Board Members Absent

Chris Occhuizzo

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

Member Morrill was seated as a voting member for this meeting due to the absence of Member Occhuizzo.

- 2.1 **Review and Approve June 8, 2016 Regular Meeting Minutes – A motion was made by Member Ross, seconded by Member Lasserre, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

AGENDA CHANGE: Chair Lane requested item 5.1 the Sunshine Law overview be heard first on the agenda.

Sunshine Law Overview – City Attorney Bach briefly explained the Sunshine Law is comprised of two parts (public records act and the open meetings law). She stated anything related to the business of the board or foreseeably would come before the board including email, voicemail, or any type of medium is a public record. She pointed out board members are not to be emailing other board members, but there is an exception if the board member is sending out a memo as long as there is no reply. She explained if there is a reply then both members have violated the Sunshine Law. She referred to open meetings and stated you cannot meet with one other board member and discuss anything that could foreseeably come before the board for a vote. She also explained that a board member that attempts to use an intermediary (a person not on the board) to send a message to another board member and that message gets through then both members are in violation of the Sunshine Law. She clarified that ex parte communications are only valid for quasi-judicial boards. She stated if the board was doing zoning hearings where you act as a quasi-judicial body that would make sense, but that was done at the City Commission level. She explained she would periodically remind staff and board members of the Sunshine Law.

Member Beal noted Mr. Lasserre has three cases before the board tonight. He questioned if he had talked with Mr. Lasserre about one of the cases, since Mr. Lasserre was recusing himself was that ok. City Attorney Bach replied that is not a Sunshine Law violation, because the two members are not going to participate in the same vote. She reminded the board that she was available if they had any questions. There was a brief discussion about the information that board members receive about any upcoming cases, and it was noted that information should be shared with staff to disseminate to the rest of the board.

Member Lasserre recused himself at this time and Member Lawrence was seated as a voting member. City Attorney Bach reminded Member Lasserre to fill out the voting conflict form, which is filed with the City Clerk's office.

3. New Business

3.1. PAB 2016-16 - PHOENIX INVESTMENTS, LLC, JOHN ROBAS STREET & FIRST AVENUE - ZONING MAP AMENDMENT - (PAB 2016-16), REQUEST ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM MEDIUM INTENSITY COMMERCIAL TO HIGH DENSITY RESIDENTIAL

Ms. Gibson pointed out the staff report was part of the public record. She stated PAB 2016-16 was a land use and zoning case for property located at the corner of First Avenue and John Robas (.38 acres of land) to move from General Commercial land use and C-1 zoning to High Density Residential land use and R-3 zoning designation. She explained the property previously requested the same land use and zoning in 2004 with the intent to develop three townhome units. She commented for whatever reason the applicant did not proceed with those changes so the property was back today requesting the same thing. She stated the difference today was there is no special use requirement that would come before the PAB. She explained a multi-family project or townhome style development would come through the City's Technical Review Committee (TRC), receive a local development order, and then be able to move forward. She provided further details from the staff report including that staff's recommendation was approval.

Member Ross referred to Section 12 of the Comprehensive Plan (economic development) and read "protect existing land designation for employment generating uses....." He questioned why the City was taking commercial land and turning it into residential land, which seems to be opposed to this economic development element of the Comprehensive Plan. Ms. Gibson replied it is a private applicant driven text amendment. She stated she found given that the surrounding area is a resort rental type of use that the property can generate jobs and continue to support that area. The board reviewed an aerial of the property in question. It was noted if this had gone through the City Commission for approval in the past and they just didn't develop the property they would have had the land use and zoning tied to the property.

Mr. Jon Lasserre, agent for the applicant, referred to Section 12 and noted it refers to job opportunity areas. He expressed his opinion that it was not applicable in this case. He stated his client's family assembled the property at 1940 South Fletcher and the two vacant parcels south of it over a time period from 1999 until two were sold in 2013. He commented in 2004/2005 his client and the City were engaged in a lawsuit over the lack of ability to develop the oceanfront, and part of the settlement was this parcel could be used as overflow parking for the oceanfront property. He explained the reason Mr. Kuitems stopped going forward on the R-3 application with the City Commission was to maintain Commercial so it could be paved in terms of a parking lot. He stated since the two oceanfront properties were sold in 2013 that was no longer necessary, and now Mr. Kuitems was seeking to return something that is more compatible. Member Morrill inquired if anything has to be done in relation to the legal settlement. Mr. Lasserre replied he was not building on that property, and he believed the selling of the property severed that settlement agreement. Chair Lane inquired about the size of this property. Mr. Lasserre replied .38 acres. It was noted there would be enough room for three units with parking onsite.

Member Ross noted the Nassau County Economic Development Board (NCEDB) has talked about a diversified tax base and they promote having commercial development to diversify the tax base. He stated this was taking commercial land and turning it into residential land. He questioned how this was

promoting a diversified tax base. Mr. Lasserre referred to the surrounding area and the residential development that has already taken place south of it and pointed out the parcel is small for one standalone commercial development. He commented this property has been for sale for the last 15 years as commercial property and it hasn't sold. He explained three residential units appear to more in keeping with the neighborhood than a hotel or a restaurant or a parking lot. There was a brief discussion about the surrounding uses.

The public hearing was opened at this time.

Mr. Ray Anderson, 2162 First Avenue, questioned the implication of non-conforming for those other residences. Ms. Gibson replied they are currently a grandfathered use, which is allowed to continue as long as that use does not lapse for a period greater than 180 days. Chair Lane inquired about when the property is sold. Ms. Gibson replied a property may be sold that is non-conforming and continue to maintain the same non-conforming use status as long as it remains occupied and within that same use. Mr. Anderson inquired if the intent of the development was to be used as vacation rental properties or residences. Ms. Gibson explained there is no requirement per the application process to make any decision about future development. She stated the owner determined after this has been on the market for a period of time under general commercial status and it was not selling so they felt it was in their best interest to convert it to a residential land use to sell the property. She commented short-term rental was permissible under the R-3 zoning. Mr. Anderson expressed his concern that the other residences on South Fletcher have vacation rentals and the neighborhood takes on a different aspect.

Member Beal questioned if the three properties to the south could be bought and operated as a commercial property. Ms. Gibson replied yes as a lodging accommodation. She pointed out there would be aspects if you were to operate as a lodging accommodation that would not be conforming because you would not have a hotel lobby unless it was associated through some other hotel. Member Beal inquired if it could be any other use within C-1. Ms. Gibson replied yes any other use within C-1. There was a brief discussion about this and that if the property was vacated and shut off utilities for greater than 180 days the nonconforming use would no longer be available and the property would have to be used as commercial space.

Ms. Patti Roberts, 2172 First Avenue, commented that over 60% of that end of First Avenue was owner occupied and there are very few long term rentals. She stated the idea of short term rental was like a new party every week, and that is not fun when it is in your neighborhood. She explained during a holiday weekend or a busy time the parking lot behind Dairy Queen is full. She pointed out she didn't have a problem if they were asking for R-1, because then someone would be building a house on that corner. She expressed her concern with R-3 to have short-term rental and traffic in the area.

Mr. Howard Neidig, 2786 Robert Oliver Avenue, explained his daughter lives at 2218 B First Avenue and concurred with the previous speaker. He explained weekly rental seems contrary to the other homes in that area.

Mr. Lasserre pointed out the zoning to the south of this and this property could be used like the Beach Club is over on South Fletcher or create a lodging accommodation. He explained they were talking about three units not a hotel or a condominium complex. He stated his client hasn't identified if he intends to build townhomes or rent them short term or long term. He pointed out the requested density would allow three units, and the property was twice the size of the two townhomes south of it. He commented the question is about the ability to do short-term rentals. He explained the problem with R-1 with one big house is that nobody wants to live next to fire station. He provided further comments in support of the

requested amendment including it was in keeping with good planning to go from commercial to high density residential to medium density residential to single family residential.

Member Lawrence inquired about subdividing the property into three lots and making them R-2. Ms. Gibson stated you have a minimum lot width in R-2 of 50 feet. After some discussion about the idea of subdividing the property, Member Ross briefly expressed his opposition to the request since it was turning commercial land into residential land and he was also opposed to the R-3 density. Member Beal briefly commented he thought it was a good transitional use from the commercial. There was some discussion about step down zoning/transitional zoning.

Mr. Anderson questioned step down zoning and where the character was changing and how that was connected to this request. Mr. Lasserre explained a change was put into effect in 1999 that limited short term rentals to only the R-3 zoning district, and you could only maintain your resort rental permit if you were grandfathered in and you continued with that use. He stated that was the reason you have a myriad of homes along South Fletcher that have the short-term rental ability. He pointed out since then there have been four new hotels built in the last 5+ years, but 10 years ago there weren't five hotels within a half mile of this property. He commented that has created the amount of traffic that is now at Sadler Road and South Fletcher. He briefly explained the change of the businesses in the area (Sliders, Hammerhead, etc.) He referred to step down zoning and stated the highlighted lot was the second application before the board. He briefly explained the idea of stepping down from commercial to the residential zoning. There was further discussion about step down zoning and keeping in mind the existing uses in the area. It was pointed out that R-2 was also a step down from commercial.

Ms. Gibson explained she ran a density calculation on the adjoining properties, and if the townhomes could be changed to R-2. She stated because of their narrow size they just meet the minimum for R-3 zoning standards (4,356 square feet of land area) to support that one unit. She pointed out the City would have to apply high density residential R-3 zoning status to those properties in order to make them conforming. There was further discussion and deliberation about the request before the board.

The public hearing was closed at this time. *A motion was made by Member Ross, seconded by Member Lawrence, to deny PAB 2016-16 to the City Commission requesting a Future Land Use Map (FLUM) assignment to High Density Residential and zoning change to R-3 from General Commercial Use and C-1 as described in PAB 2016-16 as presented is not sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time.* Member Ross inquired if the denial fails then the board would have to come up with a new motion to approve. City Attorney Bach replied correct. *Vote upon passage of the motion was taken by ayes and nays and was as follows:*

<i>Member Rogers:</i>	<i>Nay</i>
<i>Member Beal:</i>	<i>Nay</i>
<i>Member Ross:</i>	<i>Aye</i>
<i>Member Lawrence:</i>	<i>Aye</i>
<i>Member Morrill:</i>	<i>Nay</i>
<i>Member Bennett:</i>	<i>Nay</i>
<i>Chair Lane:</i>	<i>Nay</i>

Motion failed.

A motion was made by Member Morrill, seconded by Member Rogers, to approved PAB 2016-16 to the City Commission requesting a Future Land Use Map assignment of High Density Residential

and zoning change to R-3 from General Commercial Land Use and C-1 as described; and that PAB 2016-16 as presented is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Nay
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.2. PAB 2016-17 - FRANK D. KUITEMS, 1940 S. FLETCHER AVENUE - ZONING MAP AMENDMENT - (PAB 2016-17), ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL.

Ms. Gibson explained this parcel totals roughly .41 acres and was currently operating as a nonconforming land use. She stated at present it has a long term rental occupied at the property, and it was a duplex. She pointed out the request was the assignment of high density residential land use and R-3 zoning. She commented the intent was to maintain its current nonconforming status and remove that nonconformity. She explained there were no development plans associated with the property. She stated directly across the street and directly north of the property are high density residential zoning and adjacent to it is commercially zoned property that are resort style in nature. She reported upon review of consistency of the request staff recommends approval.

Member Ross inquired when the duplex was built how did it get zoned commercial. Ms. Gibson replied it may have been built prior to the current zoning was in place (1971). She commented through the digitizing of maps this property may have been overlooked and zoned commercial or the City may have wanted to see it be commercially developed. She explained with the development surrounding this property it was logical that an R-3 zoned district would be appropriate for this property.

Mr. Jon Lasserre, agent for the applicant, explained his grandparents purchased this property in 1973 and he grew up here until it was sold in 1999. He stated it was zoned commercial because the City wanted that whole area to go commercial. He concurred with staff and commented this was clearly a prime example of transitional zoning.

Member Ross inquired why the applicant was opposed to keeping it commercial. Mr. Lasserre explained when they bought it they intended to assemble the three lots with 215 feet on the oceanfront to build a hotel. He stated since then they sold two lots for the development of a hotel and were now seeking R-3 for this parcel. He pointed out this has been residential use since 1971 and the intent was to keep it as residential use. Member Beal pointed out that this property could not be assembled with the commercial property to south due to the prohibition of assembling more than 100 feet. He stated this would have to be a standalone commercial site. Mr. Lasserre replied correct and explained that was why the assemblage didn't work.

The public hearing was opened at this time and there being no comments from the floor the public hearing was closed. Member Ross again expressed his opposition to turning commercial property into residential. **A motion was made by Member Beal, seconded by Member Rogers, to recommend approval of PAB 2016-17 to the City Commission requesting a Future Land Use Map assignment of High Density Residential and zoning change to R-3 from General Commercial land use and C-1 zoning as described; and that PAB 2016-17 as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Aye
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.3. PAB 2016-18 - THE ASPIRE AT AMELIA II, LLC, 3017 & 3021 AMELIA ROAD - ZONING MAP AMENDMENT + LAND USE MAP AMENDMENT + VOLUNTARY ANNEXATION - REQUEST FOR VOLUNTARY ANNEXATION INTO THE CITY OF FERNANDINA BEACH, ASSIGNMENT OF A FUTURE LAND USE CATEGORY OF MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL LOW-MEDIUM (RLM) ZONING

Ms. Gibson explained this request was for a voluntary annexation of roughly 7.91 acres of land located at Simmons Road and Amelia Road. She stated the property has two single family homes and pasture land. She pointed out the Nassau County land use and zoning carries an Open Rural designation and RS-2. She explained the request was for Medium Density Residential land use designation with a Residential Low-Medium zoning designation, which was consistent with the surrounding area of that property. She pointed out the property was recently purchased by Aspire at Amelia to be part of a complex of uses that would be an assisted living facility, while the property would be a standard single family subdivision site that will have access to the assisted living facility amenities on the adjacent property. She explained the request was consistent with Comprehensive Plan policies with respect to its public facilities, and was consistent with the Land Development Code. She stated the annexation would not represent an enclave and was a logical extension of the City's boundary.

Member Ross questioned if the current zoning was Open Rural. Ms. Gibson replied a portion of the property is (4.14 acres). Member Ross referred to the total units that could currently be put on that property and explained the answer was one per acre. He questioned how many units would be able to be put here. Ms. Gibson replied a maximum of 65 units. There was some discussion about this request noting the need to annex was to receive City water and sewer. The assisted living facility would be located directly behind it to the west.

Mr. Lasserre, agent for the applicant, introduced Mr. David Hink and Mr. Bruce Jasinsky with Aspire Development. He explained Open Rural allows one per acre, and there was no comparable City zoning. He stated they were going from medium density in the County to medium density in the City. He referred to the zoning of 8 units per acre and noted that was with Medium Density Residential in the City. He pointed out Residential Low-Medium was 6 units per acre. He explained due to the characteristics and

layout of the property the maximum units was in the 30 range given a 50 foot wide lot. He stated this request was standalone to be annexed into the City with appropriate zoning and FLUM designation. He pointed out the intent was to tie together this project with the adjoining C-2 project. He clarified there was no intention to make this the assisted living facility, because it would be single family homes for sale. He briefly provided a comparison with Osprey Village that has single family detached homes. It was noted there weren't many trees on this property, but once annexed the City's Tree Ordinance would apply to the project. The board noted with RS-2 it was about 3 units per acre and there were 3.77 acres under the RS-2 zoning. Member Ross noted 18 units would be allowed under the current County zoning.

Chair Lane inquired if the C-2 property would be owned by the same development. She noted that Osprey Village and those in Jacksonville are owned by the same group. She commented people own their private home, but they buy into that assisted living. Mr. Lasserre deferred to the developer and stated they are related entities with one for sale and one is not. Chair Lane questioned staff if the board would see the platting for the C-2 part. Ms. Gibson replied there is no platting associated with commercial development. Member Lawrence inquired if the single family homes would be sold with restrictive covenants of some type that tie them to the commercial property. Mr. Lasserre stated they would share amenities. There was a brief discussion about this.

The public hearing was opened at this time.

Ms. Marilyn Baggett, 820 Simmons Road, pointed out she also owns a home on Spanish Way. She explained they have an access gate where they can leave the subdivision and go along trail which has many trees. She pointed out on the map where there were entrances for the two single family homes. She expressed her concern with 40 units in this area and the increase to traffic from this area that currently only has two driveways. She stated this area is currently in the County with a lot of trees, and commented that would be a lot of traffic added to a small rural road. She provided further comments expressing her concern with the number of people coming in and out of that area.

Chair Lane inquired about the model for this subdivision. Mr. David Hink replied their model was either age restricted or age targeted. He explained the residents are looking for a broader place in the community and they are looking for the services, which was why they thought these homes would add value over other homes. Member Morrill inquired if there would be any covenants or deed restrictions. Mr. Hink replied absolutely and stated those haven't been put together yet. He explained they would be deed restricted in the type of landscaping, frontage, type of roof, limited character so they match together, etc. He commented it would be like a Homeowners Association (HOA) that has a clubhouse. He explained on the other parcel they are developing a large clubhouse for the members for the independent living participants as well as the assisted living participants. He stated the HOA monthly fee would be for maintenance of the exterior landscape and for privileges to use the dining and other facilities on the main campus.

Member Ross questioned if hypothetically they don't go forward with this project how many units could be placed on this property. Ms. Gibson stated she would give the board an exact figure momentarily and reminded the board Mr. Lasserre pointed out the zoning code restricts through the RLM zoning district to 6 units per acre. Member Ross noted in that area there are single family homes on big lots and questioned how this would fit in with that. Mr. Hink stated their interest was for single family homes in there, which would be supportive of the larger community. Member Ross commented those single family homes would be on much smaller parcels than what is in the neighborhood. Mr. Lasserre explained the Barrington subdivision has 23 lots and was approximately the same size as this property where they were talking about 30 so it was quite comparable. He referred to the surrounding property and stated they are

not departing dramatically from the character of the area. There was further discussion about this request and it was noted that it would annex immediately because it was contiguous to the City and would be under the City's Tree Ordinance and other ordinances. City Attorney Bach briefly explained when a property is annexed you have to assign a City zoning category.

Mr. Lasserre stated they were applying to be annexed and at the same time they were asking for a FLUM designation and zoning. Member Ross requested clarification of the annexation process. Ms. Gibson explained when someone comes to the City with a request to be annexed one of the things the City looks at is to find out if that property is contiguous to the City limits. She stated this property is contiguous so the City was requesting a voluntary annexation, because with them coming into the City now there was no need for an annexation agreement. There was further discussion to clarify the annexation process, and Ms. Gibson explained that with the RLM zoning at 6 units per acre including public rights-of-way you could have up to 52 units total. She pointed out this project would come back before the board for preliminary and final plat. She explained the board would see the streets and the layout of the lots at some point in the future because this will follow a subdivision process. Member Ross inquired if it was R-1 how many units could be built. Ms. Gibson replied 34 units and there was the minimum lot width of 75 feet.

Mr. Michael Waskew, 3105 Aja Court, explained his property abuts this land. He commented this was sticking in a higher density between two lower densities of housing, which makes no sense to him. He stated reading the zoning designation not only does it allow single family houses, but allows townhouses, duplexes, and triplexes. He noted this would allow for great flexibility in developing the property. He referred to Osprey Village and pointed out you can't resell your property except to Osprey Village. He noted that once this property is rezoned it is rezoned. He explained he was pleased to hear single family was proposed, and suggested that it be made 75 foot lots. He commented the neighbors would like to maintain the nature of the existing neighborhood. He pointed out there are wetlands on the commercial parcel directly behind his property, and whatever development is done will create runoff. He expressed his concern about the impact to their retention pond. He provided further comments about the proposed project and expressed his hope that the development understands that the neighbors want the zoning to reflect what they have now.

Mr. Tom Martin 3136 Aja Court, expressed his concern about the traffic because there is already a lot of traffic on Amelia Road. He commented adding another entryway was going to cause even more traffic. He explained he didn't see a big difference if R-1 restricts what can be built and is a 75 foot lot size, because he thought that was in keeping with what his subdivision has. He also expressed his concern about what happens to Barrington's retention pond when there is runoff from 30+ homes.

Member Bennett noted if they build this they would have to have their own retention. Mr. Lasserre stated the developer cannot tie into Barrington's retention pond without their consent. He pointed out there would be onsite retention on this property as well as the commercial property and be designed as to where the water would go if it were to overflow. He explained they were aware of the drainage in the area and it would have to be permitted through the St. Johns River Water Management District (SJRWMD). He stated although Medium Density Residential does allow single, duplex, triplexes, and condominiums the requested zoning, RLM only allows single family. He pointed out single family was the only housing type under RLM. He referred to the concerns about commercial traffic and commented it was not reasonable to take a commercial truck for the assisted living facility down Amelia Road. He stated there would be a major entryway through Amelia Island Parkway. Ms. Gibson explained the staff report points out the requirements for permitting for a subdivision and read a portion into the record. She referred to the questions about the future of Simmons Road and stated she has been working with Nassau County

there was a proposed 10 foot paved multi-use path that would go along Simmons Road connecting the beaches at South Fletcher all the way to Bailey Road. Mr. Lasserre commented his client has been working on that multi-use path as well, and they intend to dedicate 15 feet along Bailey Road to facilitate that path as well as land along Amelia Island Parkway. There was some discussion about the multi-use trail.

Member Ross questioned the choices with the zoning associated with this annexation. City Attorney Bach replied usually the choices are to keep it in line with what the County zoning is. It was noted there was not comparable zoning to Open Rural in the City. Member Ross inquired about the choices. Ms. Gibson replied the most reasonable fit was Medium Density Residential and RLM zoning. Member Ross argued that R-1 is the most comparable to Open Rural.

Ms. Lauree Hemke, 751 Barrington Drive, expressed her concern with the proposed zoning. She stated she didn't see why the zoning cannot be the same as Barrington or comparable. She also expressed her concern that if approved people would build at a higher density and she was concerned with the wetlands as well as the greenery around the property. She stated she didn't have a lot of faith in developers that say they are going to protect the trees. She explained she was also concerned with the roads and the traffic in the area.

Ms. Elsa Mitschele, 3105 Aja Court, pointed out currently there is a creek that runs along the entire proposed area and where she lives. She inquired about what would happen with that creek. She also inquired what they would do to differentiate that neighborhood from Barrington. Mr. Lasserre stated he was familiar with the wetland behind the Barrington subdivision on the Amelia Holdings property, which is in the City. He pointed out wetland property in the City cannot be touched, and would be protected by the City's regulations. He referred to trees and reported they would abide by the Tree Ordinance. He pointed out transitional zoning is important and there are a lot of uses under C-2 so this property would be stepping down the zoning. He clarified it was going from Intensive Commercial to Low to Medium Density to allow the development of this particular site. Chair Lane suggested the developer work with the Tree Conservancy in their planning. There was a brief discussion about this.

Ms. Mary Pitcher, 3116 Amelia Road, pointed out Amelia Road is a very narrow road with no shoulders. She stated she did not have any objection to any of this or the zoning with the exception of any entry or exit onto Amelia Road other than what is currently there. She suggested that the major entrance be off Amelia Island Parkway and no entry or exit onto Amelia Road.

Ms. Melinda Signorella, 3117 Aja Court, explained her house backs up to the retention pond and if there is no type of wall securing the area between their property and Barrington's pond she was concerned about the liability with that pond. She commented senior citizens could stumble out and fall into the pond. She questioned how this would be tying into Amelia Island Parkway, because she didn't want that to back up to her property either. Mr. Lasserre noted the concerns and explained they have to have a secondary access for the project. He pointed out that would be taken care of at the Technical Review Committee level. He stated the only logical entrance for heavy traffic would be from Amelia Island Parkway not from Amelia Road. He explained this was a logical move from C-2 to an area that is developing and growing. He pointed out there are three driveways along Amelia Island Parkway accessing two homes and a farm, and that would be reduced to one. He referred to the liability of the pond and explained each homeowners association would be responsible to be sure they are not negligent in maintenance and securing its border.

Mr. Dwight Ingram, 3135 Aja Court, expressed his concern about traffic congestion at Simmons and Amelia Road as well as over at 14th Street. He also expressed concern about the secondary access to the property onto Amelia Road. Mr. Lasserre explained the previous owner divided the property in this manner and the platting would come back to the board for approval. He pointed out that was not necessarily where the entrance would be.

Member Lawrence commented if this were annexed without consideration of the adjacent property it could be a standalone subdivision so there would be that traffic in and out without the potential of tying into something and a secondary exit. He explained he was starting to see the advantages of this with how it was being put together as a package to help alleviate some of the issues. He pointed out they might want to give the opportunity to people in Barrington to join the club, because it was really the same demographic. He questioned if the project was financially feasible as an R-1 project. Mr. Bruce Jasinsky, 645 Gaines Lane, explained they are trying to create a product where people were more than likely wouldn't be taking children to school every morning and would more than likely dine it at the facility. He stated these people are going to be less mobile than what a typical subdivision would be. He commented a typical R-1 subdivision would create that much more traffic. He referred to the question of financially could you do a few less and stated financially is one issue but another is logistically. He pointed out how many senior facilities do you go to where there are big yards and big houses. He explained they are trying to create a controlled environment with smaller lots and smaller houses, because these people would be stepping down. He commented the preliminary work after all the City codes are put in under the RLM zoning they only get about 30 units. He provided further comments about this concept. There was further discussion about this case noting that with R-1 zoning there could be 34 units. Ms. Gibson briefly outlined the next steps for this annexation request, the assignment of a Future Land Use Map category, and zoning designation that would go before the City Commission as three separate Ordinances. She pointed out the board in the future would see a preliminary plat and final plat associated with the development of the subdivision. She stated this property would be treated as a standalone subdivision regardless of the association/affiliation it will have with the assisted living facility. The board continued its discussion with the applicant with regard to the zoning for this project.

Ms. Gibson provided a brief clarification about the Technical Review Committee (TRC) process which includes various City departments to review the initial site plan, which then would move forward with the process of a preliminary plat. She further explained the process of the project moving forward.

The board took a brief recess at this time.

Chair Lane polled the board about moving the Port Master Plan item to the August. After a brief discussion, ***the consensus of the board was to postpone the Port Master Plan discussion item to August.***

Member Ross noted this property is going to be annexed and have some residential designation. He commented it was a matter of whether it was going to be R-1 or RLM.

Mr. Michael Waskew, 3105 Aja Court, commented the residential development part of this would be treated as a separate parcel not connected to the development of the commercial parcel. He noted the separate parcel requires two means of egress not through an adjacent property. He pointed out there would be an access on Amelia Road and one onto Simmons or two onto Amelia Road. He stated the 182 people that live on parcel C would increase the traffic onto Amelia Road. He explained he wasn't opposed to development, but they want to be sure the board hears the neighbors' concerns and address them upfront.

Mr. Lasserre questioned staff if there was anything in the code that would prohibit the second access coming through Amelia Island Parkway if it was a dedicated easement across private property. He referred to the concern of people leaving the assisted living facility to exit onto Amelia Road and explained a gate was intended to prohibit that. Ms. Gibson stated the vehicular section is 4.04.02(e) and read there should be at least two vehicular access points to an improved right-of-way. There was a brief discussion about this and it was noted the TRC has reviewed the preliminary application for the assisted living facility.

The public hearing was closed at this time. **A motion was made by Member Bennett, seconded by Member Morrill, to recommend approval of PAB 2016-18 to the City Commission requesting that a voluntary annexation to the City limits be approved assigning the Medium Density Residential land use and RLM zoning category as described in PAB 2016-18; and as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Rogers:	Aye
Member Beal:	Aye
Member Ross:	Nay
Member Lawrence:	Aye
Member Morrill:	Aye
Member Bennett:	Aye
Chair Lane:	Aye

Motion carried.

4. **Comments by the public** – There were no comments from the public at this time.

5. **Board Business**

5.1. **Sunshine Law Overview** – This was provided by the City Attorney at beginning of meeting after approval of Minutes.

5.2. **Discuss Public Speaking Procedures** – City Attorney Bach commented that the board has bylaws, and she couldn't remember if there was a speaker limit. Chair Lane noted in the past the board opened up the speaking and there were times where the board has said it would have to be limited to three minutes. She explained she had no intention of cutting people off. She questioned if the board wanted to handle this on a case by case basis. Member Bennett explained part of the board's job was to hear from the public. He stated he rather leave it on a case by case basis, because sometimes it takes a little longer so that the public understands. Member Beal agreed with case by case. He commented when there is a chamber full the board may have to limit people especially if they start saying the same things over and over. He explained when you are passionate about something to be limited to three minutes and you are the only person in the audience it angers you. Member Lasserre agreed with a case by case basis, and pointed out tonight there were a lot of people and they were respectful. There was some discussion and deliberation about the best way to proceed, and it was noted in the past the board has asked speakers to limit themselves. The board also noted when an item gets so emotional it takes away from it, because people stop looking at the facts.

City Attorney Bach commented in her experience taking a recess will diffuse an issue and it works well when people are emotional. Chair Lane noted people get emotional with change. City Attorney Bach suggested a time set for the hearing or having an end time to the board's meeting. Chair Lane stated she likes the mix of the board discussing things and then hearing from the applicant and questions can be asked about that. Member Lasserre commented he had to appear before Nassau County's Code Enforcement Board three times over the last three months, and they begin their meeting going over the procedure. There was further discussion about having a procedure and Chair Lane requested the board's thoughts be sent to the City Attorney.

5.3. Discuss Port Master Plan and Comprehensive Plan Inconsistencies for OHPA Review (Continued Discussion from June Meeting) – During item 3.3 the board was polled, and *the consensus was to postpone the Port Master Plan discussion item to August.*

Board Agenda Materials - Member Ross referred to the timing of getting the board's agenda materials and explained where he used to live ten days before was a cutoff date. He pointed out for the cases he goes through the material and visit the sites. He questioned if there was a way to get it at least a week ahead of time. Chair Lane pointed out the board used to get material earlier, but staff was inundated with a lot of stuff. Ms. Gibson replied the internal procedure was to get it to the board one week in advance, and over the last four years she has had to push it back to the Friday before so there is at least the weekend to review as well as the days leading up to the meeting. She reminded the board of the special meetings back to back and explained with her becoming ill she was unable to get the information to the board. There was a brief discussion about this and getting materials to the board in an earlier timeframe.

City Attorney Bach pointed out the advertising requirements are ten days before, which is days before an agenda is even posted. She explained if staff was running behind it would appear on the agenda because it has been advertised. She commented if the board felt it was not prepared a motion can be made to postpone until the next meeting. There was further discussion about this and it was noted it was also up to the board members to do independent research to make decisions on facts.

6. Staff Report – Ms. Gibson reported the American Planning Association (APA) has selected the City's Comprehensive Plan to be reviewed for best practices as part of their sustaining places initiative, and for consideration as a pilot program to help with other small towns and communities. She explained she would receive more feedback about that later this year. She pointed out the City has a couple new brochures that an intern worked on (citizen's guide to tree and landscape requirements and bicycle safety).

The next regular Planning Advisory Board Meeting would be July 13th.

7. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:29 pm.

Secretary

Judith Lane, Chair

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Ordinance 2016-29**
Future Land Use Map Amendment - 1940 S. Fletcher Avenue

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **Approve Ordinance 2016-27 at First Reading.**

SYNOPSIS: The applicant is requesting assignment of the High Density Residential Future Land Use Map Category and R-3 zoning district. The property is currently occupied for residential use as a duplex and considered to be operating as a non-conforming use given the existing General Commercial land use and C-1 zoning. Plans have not been provided about any potential development of the site. Site plans are not required to be reviewed as part of a future land use map amendment and zoning change request.

Staff has issued a recommendation of approval. The Planning Advisory Board considered the requested Land Use Change at its Regular Meeting on July 13, 2016, and issued a recommendation of approval.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

2016/2017 CITY COMMISSION GOALS: (As approved by Resolution 2016-51)
 Beach Safety Alachua Street
 Soccer Field Lighting Stormwater
 Downtown Density Opportunity
 ADA Improvements Departmental
 Consideration

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2016-29 at First Reading.

DEPARTMENT DIRECTOR Submitted by: Marshall McCrary *MM* Date: 7/29/16
CDD Director
CONTROLLER Approved as to Budget Compliance *AHC* Date: 8/3/16
CITY ATTORNEY Approved as to Form and Legality *TEB* Date: 8/3/16
CITY MANAGER Approved Agenda Item for 8/16/16 *MM* Date: 8/2/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

ORDINANCE 2016-29

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S FUTURE LAND USE MAP FROM GENERAL COMMERCIAL (GC) TO HIGH DENSITY RESIDENTIAL (HDR) FOR PROPERTY LOCATED AT 1940 S. FLETCHER AVENUE, TOTALING APPROXIMATELY 0.41 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the small-scale Future Land Use Map application number PAB 2016-16 at its July 13, 2016, meeting and recommended approval of the change to High Density Residential (HDR); and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on June 29, 2016.

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

SECTION 1. PROPERTY INVOLVED. The property identified for this change of the Future Land Use Map is located at 1940 S. Fletcher Avenue and identified as Parcel ID # 00-00-31-1460-0041-0000, totaling approximately 0.41 acres, and is shown on the map attached hereto as Exhibit "A".

SECTION 2. FUTURE LAND USE MAP CHANGE. For the property in question, the City's Future Land Use Map is hereby changed from General Commercial (GC) to High Density Residential (HDR).

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

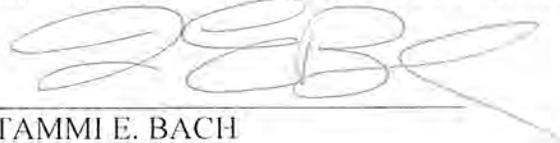
ADOPTED this 20th day of September, 2016.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

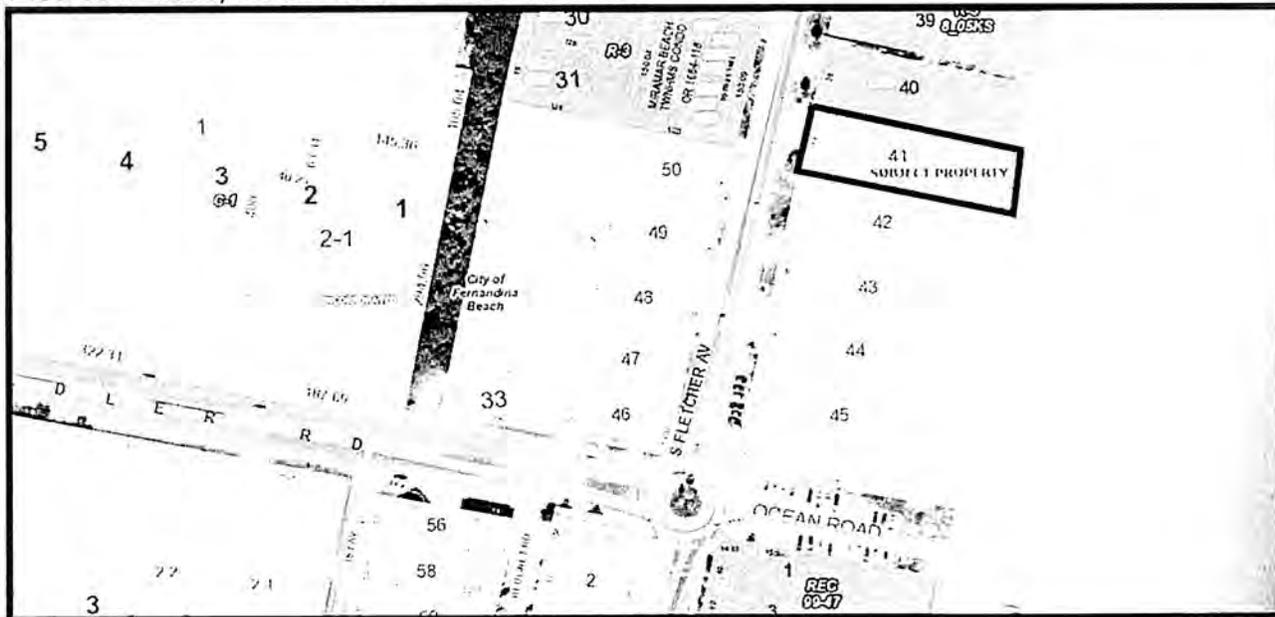
A handwritten signature in black ink, appearing to read 'TEBach', written over a horizontal line.

CAROLINE BEST
City Clerk

TAMMI E. BACH
City Attorney

**ORDINANCE 2016-29
EXHIBIT "A"**

FRANK D. KITEMS, (PAB CASE 2016-17), REQUESTING FUTURE LAND USE MAP CHANGE FROM GENERAL COMMERCIAL (GC) LAND USE ZONING TO HIGH DENSITY RESIDENTIAL (HDR) LAND USE FOR PROPERTY LOCATED AT 1940 S. FLETCHER AVENUE AND IDENTIFIED BY PARCEL NUMBER 00-00-31-1460-0041-0000, TOTALING 0.41 ACRES OF LAND.





**STAFF REPORT
PAB (LU/CZ) 2016-17
Planning Advisory Board Hearing
July 13, 2016**



APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Frank D. Kuitems				
AGENT:	Roger Towers, P.A. – Jon C. Lasserre, Esq.				
REQUESTED ACTION:	Small Scale Future Land Use Map Amendment and Zoning Change				
LOCATION:	1940 S. Fletcher PIN# 00-00-31-1460-0041-0000				
CURRENT LAND USE +	General Commercial (GC) and C-1 (Community Commercial)				
ZONING:					
PROPOSED LAND USE +	High Density Residential (HDR)/ R-3 (High Density Residential)				
ZONING:					
EXISTING USES ON SITE:	Vacant				
PROPERTY SIZE:	0.41 Acres				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Single Family Home	1963	R-3	High Density Residential
	South	Vacant – Commercial Proposed Hotels	N/A	C-1	General Commercial
	East	Atlantic Ocean	A long long time ago	N/A	N/A
	West	Townhomes	Renovated in 2010	R-3	High Density Residential

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant is requesting assignment of the High Density Residential Future Land Use Map Category and R-3 zoning district. The property is currently occupied for residential use as a duplex and considered to be operating as a non-conforming use given the existing General Commercial land use and C-1 zoning. Plans have not been provided about any potential development of the site. Site plans are not required to be reviewed as part of a future land use map amendment and zoning change request.

CONSISTENCY WITH THE COMPREHENSIVE PLAN (PLAN):

The property contains a Future Land Use Designation of General Commercial (GC), Policy 1.07.08. The applicant is requesting a new land use assignment of High Density Residential (HDR), Policy 1.07.06.

Policy 1.02.04 provides nine (9) factors for Future Land Use Map decision making which include, the type and density of surrounding uses, zoning districts within the surrounding area, and compatibility of uses within the surrounding area. Policy 1.02.06, 1.02.08, and 1.02.09 directs land uses which strive to protect the integrity and stability of established residential areas from encroachment by incompatible development and providing for orderly transition of incompatible uses.

The property located at 1940 S. Fletcher Avenue was constructed as a residential duplex in 1971 and continues to retain this uses. This requested use of High Density Residential is in keeping with the established pattern, zoning and use within the surrounding residential areas.



**STAFF REPORT
PAB (LU/CZ) 2016-17
Planning Advisory Board Hearing
July 13, 2016**

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Section 2.01.06 of the Land Development Code states the intent of R-3 High Density Residential, zoning classification. The R-3 zoning district allows for both single family residential developments as well as multifamily and the ability to have resort rentals.

Section 2.01.06 of the Land Development Code states the intention of the High Density Residential (R-3) zoning district as follows:

The R-3 District is intended for the development of high density residential uses allowing both single and multi-family dwellings. Bed and breakfast inns and resort rental dwellings may be allowed, subject to additional design standards. Limited neighborhood commercial uses may be allowed through the PUD process.

CONCLUSION:

Given the nature and characteristics of the property as a non-conforming use and its location bordering other High Density Residential (HDR)/ R-3 zoned lots, staff recommends approval of the applicant's request.

MOTION(S) TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2016-17 to the City Commission requesting a Future Land Use Map assignment of High Density Residential and zoning change to R-3 from General Commercial land use and C-1 zoning, as described and that PAB case 2016-17 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

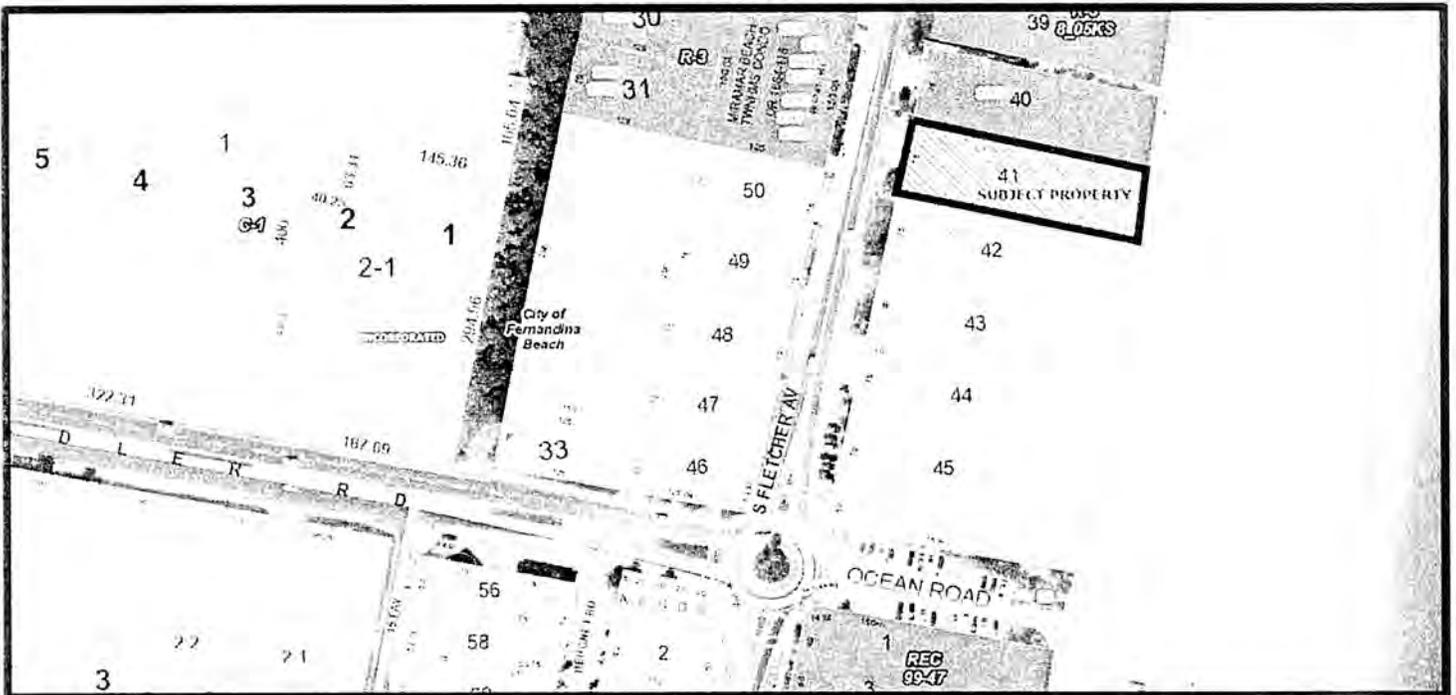
Submitted by:

Kelly N. Gibson, AICP
Senior Planner



STAFF REPORT
PAB (LU/CZ) 2016-17
Planning Advisory Board Hearing
July 13, 2016

EXHIBIT A



OFFICE USE ONLY

RECD: 6/13/16 BY: (8)
PAYMENT: \$ 1700 - TYPE: CK 1633
APPLICATION #: 2016-0000965
CASE #: 2016-10 CZ+LU
BOARD MEETING DATE: 7/13/16



PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

APPLICANT INFORMATION

Owner Name: Frank D. Kuitens
Mailing Address: 1940 South Fletcher Avenue, Fernandina Beach, Florida 32034
Telephone: (904) 261-5618 Fax: (904) 261-9519
Email: N/A

Agent Name: Rogers Towers, P.A., c/o Jon C. Lasserre, Esq.
Mailing Address: 960185 Gateway Blvd., Suite 203, Fernandina Beach, Florida 32034
Telephone: (904) 261-5618 Fax: (904) 261-9519
Email: JLasserre@RTlaw.com

PROPERTY INFORMATION

Street Address: 1940 S. Fletcher Avenue, Fernandina Beach, Florida 32034
Parcel Identification Number(s): 00-00-31-1460-0041-0000
Lot Number: 41 Block Number: N/A Subdivision: Miramar Beach, Section One
Section: 20 Township: 3N Range: 29E



**OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION**

19405 Frederic Ave
Lot 4

I/we FRANK J. KUTSIS

(print name of property owner(s))

hereby authorize TOM CASSANO

(print name of agent)

to represent me/us in processing an application for RE-ZONING

(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]

(Signature of owner)

(Signature of owner)

FRANK J. KUTSIS

(Print name of owner)

(Print name of owner)

Virginia
STATE OF FLORIDA
WHEELER
COUNTY OF NASARS



DEANE SHEETS DOYLE
NOTARY PUBLIC 135086
COMMONWEALTH OF VIRGINIA

MY COMMISSION EXPIRES FEBRUARY 23, 2018

Subscribed and sworn to before me this 5th day of June, 2010.

Deane Sheets Doyle
Notary Public Signature

Deane Sheets Doyle
Printed Name

February 23, 2018
My Commission Expires

Personally Known _____ OR Produced Identification ID Produced: TLPC



USE THIS FORM TO: Request actions to affect changes to property (zoning changes, annexations, allowable uses, subdivisions).

FEES: See below. Fees are payable upon application.

IMPORTANT NOTES: To guide you through the process and ensure that your application is understood and properly processed, you'll need to meet with a City Planner prior to submitting your application. Completed applications are due 30 days prior to the Planning Advisory Board meeting date.

KEY CONTACTS: The Planning Department will guide your application from start to finish, engaging other City departments or agencies as needed.

PLANNING ADVISORY BOARD APPLICATION FOR:

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

2016 Planning Advisory Board Meeting Schedule

Application Deadline (4:30pm)	Dec 14 2015	Jan 11 2016	Feb 8 2016	Mar 14 2016	Apr 11 2016	May 9 2016	Jun 13 2016	Jul 11 2016	Aug 15 2016	Sep 12 2016	Oct 10 2016	Nov 14 2016	Dec 12 2016	Jan 9 2017	Feb 6 2017
Meeting Date	Jan 13 2016	Feb 10 2016	Mar 9 2016	Apr 13 2016	May 11 2016	Jun 8 2016	Jul 13 2016	Aug 10 2016	Sep 14 2016	Oct 12 2016	Nov 9 2016	Dec 14 2016	Jan 11 2017	Feb 8 2017	Mar 8 2017

APPLICATION REQUIREMENTS PLANNING ADVISORY BOARD

APPLICATION CHECKLIST:

Submit all of the following information for a complete application, as applicable:

- A notarized application filed at least thirty (30) days before the date of the Planning Advisory Board's public hearing;
- A current survey of the property (no older than two years);
- A completed owner's authorization for agent form, if applicable;
- A detailed letter of intent stating the following:
 - The consistency of the proposed amendment(s) or action(s) with the City's Comprehensive Plan.
 - A justification for the proposed amendment(s) or action(s).
- A map of the area indicating the proposed zoning district designation for the subject property. The map shall show the current zoning district designations and land use categories from the Future Land Use Map in the comprehensive plan for the subject property and all adjacent properties.

IMPORTANT NOTES AND REQUIREMENTS:

Please see additional Land Development Code (LDC) requirements for specific application types:

- LDC Text Amendment** – see LDC Section 11.01.08.
- Preliminary Subdivision Plat** – see LDC Section 11.01.05.
- Final Subdivision Plat** – see LDC Section 11.01.05.
- Zoning Map Changes** – see LDC section 11.01.07.

You will receive a staff report one week before your meeting.

STAFF CONTACT:

Kelly Gibson
Senior Planner
kgibson@fbfl.org
904.310.3135



Jon C. Lasserre
jLasserre@rtlaw.com

960185 Gateway Boulevard • Suite 203
Amelia Island, Florida 32034
904.261.5618 Main
904.261.9159 Fax
www.rtlaw.com

June 13, 2016

Ms. Kelly N. Gibson
Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida, 32034

**RE: APPLICATION FOR ZONING MAP AND FLUM AMENDMENTS
FRANK D. KUITEMS
PARCEL ID# 00-00-31-1460-0041-0000
1940 SOUTH FLETCHER AVENUE**

Dear Ms. Gibson,

Our firm is pleased to present the enclosed Application for Zoning Map and FLUM Amendments (the "Application") concerning approx. 0.41 acre located at 1940 South Fletcher Avenue, Fernandina Beach, Florida (the "Property") on behalf of Frank D. Kuitems. The Property is located within the jurisdiction of the City of Fernandina Beach.

Please find enclosed a check in the amount of \$1,750.00 for the Application fee. This Application is submit in conformity with Section 11.01.07 of Ordinance 2006-14 (as amended), also known as the City of Fernandina Beach Land Development Code.

The Property is presently zoned C-1, Community Commercial with a FLUM designation of General Commercial. We are requesting a change of the zoning to R-3 and a change of the FLUM designation to High Density Residential. The Property consists of one 75' wide ocean front lot that presently has a duplex structure. The duplex was constructed in 1971. During the majority of the time since the construction of the duplex, the Property was used as a short term rental and was issued a Resort Rental permit in 2000 that has since expired. However, a Resort Rental permit could be reissued under the present zoning with the determination that the property's use is as a Lodging Accommodation, an allowed use under C-1 subject to supplemental standards.

Among others, this requested rezoning is consistent with the following Objectives of Goal 1, The Future Land Use Element of the City's Comprehensive Plan:

1. Objective 1.02.04 – FLUM amendments shall be considered based upon the factors a-i:

a. *Type and density or intensity of surrounding uses* – The property to the north of the Property is used as a residence and is zoned R-3 with a FLUM designation

of High Density Residential; the property to the west is a multi-family condominium and is zoned R-3 with a FLUM designation of High Density Residential (the requested amendment, if granted, would align the zoning and FLUM designations of the properties to the north and west with that of the Property); the property to the south is vacant and is zoned C-1 with a FLUM designation of General Commercial (this is the current zoning and FLUM designation of the Property); the Atlantic Ocean adjoins the Property to the east. A FLUM amendment for the Property to High Density Residential would be suitable and compatible with the type and density of surrounding uses.

b. *Zoning districts in the surrounding area* – The zoning and FLUM designations of the surrounding area are discussed in Paragraph a, above. A zoning map amendment to R-3 for the Property would be suitable and compatible with the surrounding zoning districts. Further, the amendment would add an additional buffer for existing residential and act as a transition from commercial to residential zoning.

c. *Demonstration of adequate water supply and water supply facilities* – The Property presently has a duplex that is tied into the municipal water and sewerage system. Adequate water and water supply facilities exist.

d. *Appropriateness of the size of the parcel compared to the proposed use* – The Property is an appropriate size for use as multifamily residential.

e. *Physical condition of the site, and the suitability of soils and topography for the proposed use* – The Property's physical condition, soils and topography are suitable for multifamily residential use. A Special Use Permit was issued in May 2004 for the development of the site as multifamily.

f. *Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources* – The Property is suitable for use as multifamily residential based upon the consideration of these issues.

g. *Compatibility factors* – The property is currently compatible with the surrounding uses and the proposed FLUM designation change would make the current use compatible with the FLUM.

h. *Impact on adopted levels of service standards and quality of service standards* – The impact on adopted level of service standards and quality of service standards resulting from a change in the FLUM designation would be minimal.

i. *Location in a Coastal Upland Protection Zone (CUPZ)* – The property is located within the CUPZ. Changing the FLUM designation would not present a conflict with the CUPZ.

Ms. Kelly N. Gibson
June 13, 2016
Page 3

2. Objective 1.02.08 – Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas.

a. The Property is presently has a duplex structure located on it. The property to the north is residential and the property to the west is multifamily condominiums. The the property to the south is vacant commercial and the property is bounded on the east by the Atlantic Ocean.

In addition to the reasons set forth above, the proposed amendment to the zoning map and FLUM designation is justified because the action will change the existing, non-conforming use into a conforming use.

I look forward to reviewing your staff report on this Application. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Jon C. Lasserre

Encl.

Cc: Frank D. Kuitems

Recording 10.00 + 3.00 = 13.00
 Rec. Stamp 3150.00
 Int. Tax. _____
 Total 3163.00

THIS INSTRUMENT PREPARED BY:

JACOBS & PETERS, P. A.
 401 Centre Street, Second Floor
 Fernandina Beach, Florida 32034

DEC 15 1998
 RECORD AND RETURN TO:
 JACOBS & PETERS, P. A.
 401 Centre Street, Second Floor
 Fernandina Beach, Florida 32034

RE PARCEL ID #: 00-00-31-1460-0041-0000
 BUYER'S TIN:

Rec. 13.50
 DS. 3150.00

BK 0859PG0512

OFFICIAL RECORDS

Florida Documentary Stamp tax
 required by law in the amount
3150.00 Certificate of
 No. 59-6015286-01
 Date 12-15-98
 Clerk Circuit Court Nassau County Florida

TRUSTEE DEED

THIS TRUSTEE DEED is made this 1st day of December, 1998 by Rowena C. Nylund, Charles Courson and William Rodeffer as successor co-Trustees of the Bertha B. Courson Living Trust U/D/O November 6, 1997, hereinafter called Grantor, and whose address is 2822 Monroe St., Columbia, S.C. 29205 to Carlos A. Levy and Kathryn M. Levy, his wife and Frank D. Kultems, married, hereinafter called Grantee and whose address is 116 Devon Dr., St, Marys, Ga. 31558.

(Wherever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH:

THAT the Grantor, pursuant to the powers and authority granted by the terms and provisions of the aforesaid Trust Agreement, and in consideration of the sum of Ten and NO/100 Dollars and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the Grantee the following described land situate, lying and being in Nassau County, Florida, to wit:

Lot 41, Miramar Beach, Section One, according to the Plat thereof as recorded in Plat Book 2, page 61, Public Records of Nassau County, Florida.

The real property described in this instrument is not the constitutional homestead nor the primary physical residence of the Grantor.

SUBJECT TO taxes accruing subsequent to December 31, 1998.
 SUBJECT TO covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.
 TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.
 TO HAVE AND TO HOLD the same in fee simple forever.
 AND Grantor hereby covenants to and with said Grantee that Grantor is the duly appointed, qualified and acting Trustee under the aforesaid Trust Agreement, and in all things preliminary to and in and about the sale and conveyance of the property described herein, the terms, conditions and provisions of the aforesaid Trust Agreement, and the laws of the State of Florida have been followed and complied with in all respects, and that the undersigned Grantor has the full power and authority to execute this deed for the uses and purposes herein expressed; and that said land is free of all encumbrances.



OK 0059 PG 0513
OFFICIAL RECORDS

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Kendria Navarro
Witness Signature

Kendria Navarro
Witness Printed Signature

Margaret R. Stricklin
Witness Signature

MARGARET R. STRICKLIN
Witness Printed Signature

Sarah F. Adams SARAH F. ADAMS
Witness as to William Rodeffer & Charles Courson
STATE OF FLORIDA South Carolina
COUNTY OF Richland

Rowena C. Nyland
Rowena C. Nyland

Charles Courson
Charles Courson

William Rodeffer
William Rodeffer
As successor co-Trustee of the
Bertha B. Courson Living Trust
U/D/O November 6, 1997

Fay Richman
Witness as to William Rodeffer &
Charles Courson
FAY RICHMAN

The foregoing instrument was acknowledged before me this 25th day of November, 1998 by Rowena C. Nyland, successor co-Trustee of the Bertha B. Courson Living Trust U/D/O November 6, 1997. He/She is personally known to me or has produced as identification.

Notary Public, State and County Aforesaid

Troya Elaine Strong
Notary Signature

TROYA ELAINE STRONG
Notary Printed Signature

Notary
(Title or Rank)

(Serial No., if any)

My Commission Expires June 14, 2005

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 7th day of December, 1998 by William Rodeffer, who is personally known to me.

Sarah F. Adams
Notary



STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 1st day of December, 1998 by Charles Courson, who is personally known to me.

Belinda Gearis BELINDA GEARIS
Notary



Belinda Gearis
MY COMMISSION # CC 691788 EXPIRES
October 27, 2001
BONDED THRU TROY FAIN INSURANCE, INC

9829616

FILED & RECORDED IN NASSAU COUNTY
RECORDS DEPARTMENT
RECORDS UNIT

98 DEC 15 AM 11:51
pw
Clerk of Courts
NASSAU COUNTY, FLORIDA

2

THIS INSTRUMENT PREPARED BY:
Arthur I. Jacobs
JACOBS & ASSOCIATES, P. A.
401 Centre Street, Second Floor
Fernandina Beach, Florida 32034

RECORD AND RETURN TO:
JACOBS & ASSOCIATES, P. A.
401 Centre Street, Second Floor
Fernandina Beach, Florida 32034

RE PARCEL ID#: 00-00-31-1460-0041-0000
BUYER'S TIN:

Doc# 200012389
Book: 929
Pages: 173 - 174
Filed & Recorded
04/19/00 09:28:18 AM
J. M. OXLEY JR
CLERK OF CIRCUIT COURT
NASSAU COUNTY, FLORIDA
DEED DOC STAMP \$ 1,974.00
RECORDING \$ 9.00
TRUST FUND \$ 1.50

*Rev 7/15/99
Sec 1974.20
1984, 20*

QUIT - CLAIM DEED

THIS QUIT - CLAIM DEED is made this 17th day of March, 2000 by Carlos A. Levy and Kathryn M. Levy, his wife and Frank D. Kuitems, hereinafter called Grantor, and whose address is 5209 Leeward Cove, Fernandina Beach, Florida 32034 to FRANK D. KUITEMS, a married person, hereinafter called Grantee and whose address is 5209 Leeward Cove, Fernandina Beach, Florida 32034.

(Wherever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten and NO/100 Dollars and other valuable considerations in hand paid to the Grantor, receipt whereof is hereby acknowledged, does remise, release and quit-claim unto the Grantee, all that certain land situate, lying and being in Nassau County, Florida, viz:

Lot 41, Miramar Beach, Section One, according to the Plat thereof as recorded in Plat Book 2, page 61, Public Records of Nassau County, Florida.

The real property described in this instrument is not the constitutional homestead nor the primary physical residence of the Grantor.

SUBJECT TO taxes accruing subsequent to December 31, 1999.
SUBJECT TO covenants, restrictions and easements of record, if any, however this reference thereto shall not operate to reimpose same.

SUBJECT TO taxes for the current year.

TO HAVE AND TO HOLD the same together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Rhonda J. Aviles
Witness Signature

Rhonda J. Aviles
Witness Printed Signature

Denise Morgan
Witness Signature

Denise Morgan
Witness Printed Signature

Carlos A. Levy
Carlos A. Levy

Kathryn M. Levy
Kathryn M. Levy

Frank D. Kuitema
Frank D. Kuitema

STATE OF GEORGIA
COUNTY OF CAMDEN

The foregoing instrument was acknowledged before me this 17th day of March, 2000 by Carlos A. Levy and Kathryn M. Levy, his wife and Frank D. Kuitema. He/She is personally known to me or has produced _____ as identification.

Notary Public, State and County Aforesaid

B. Johnson
Notary Signature

Bernardine Johnson
Notary Printed Signature

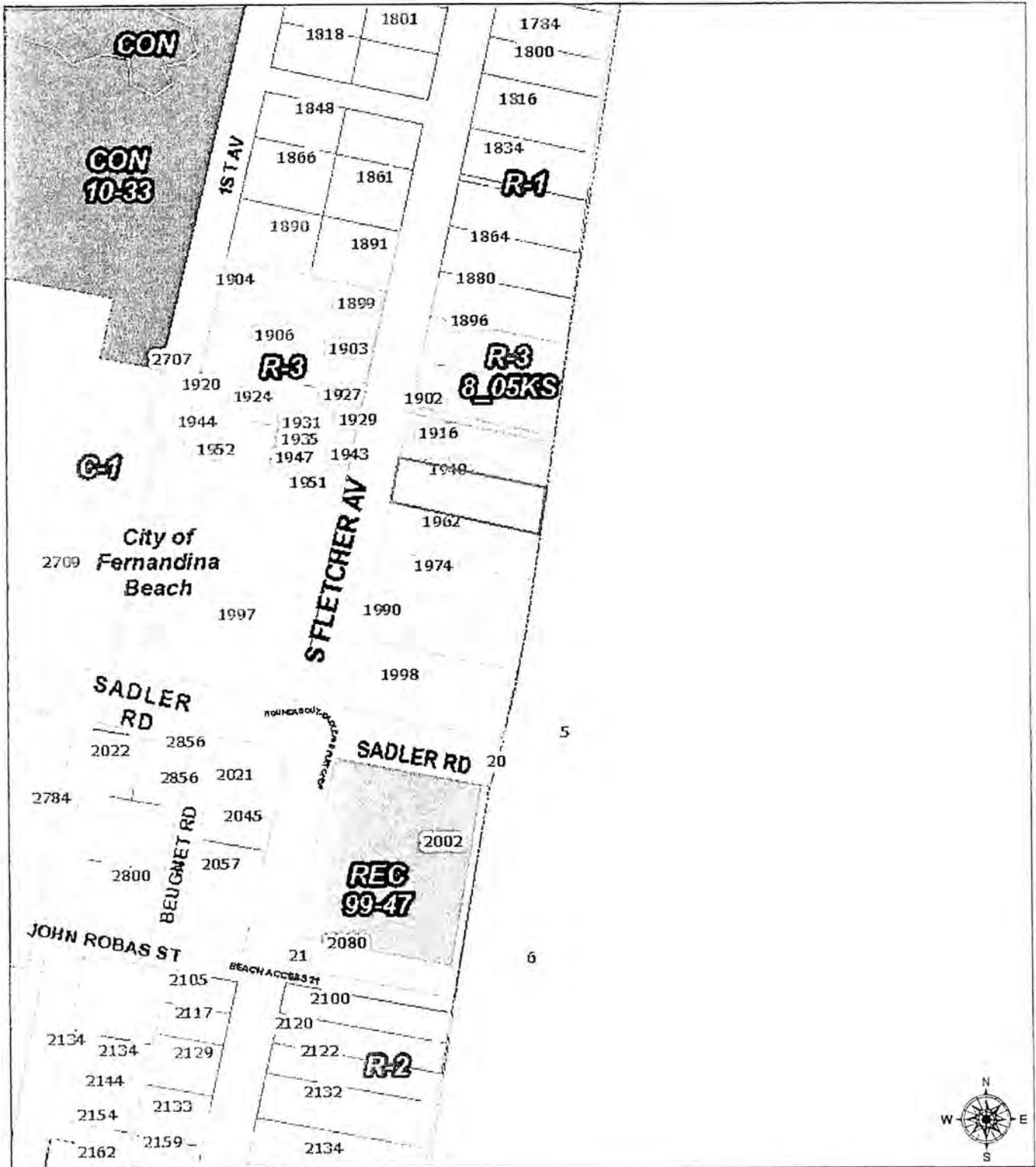
(Title or Rank)

(Serial No., if any)



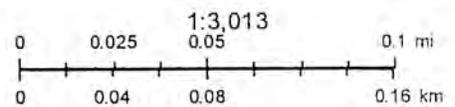
Notary Public, Camden County, Georgia
My Commission Expires Oct. 14, 2003

Zoning Map



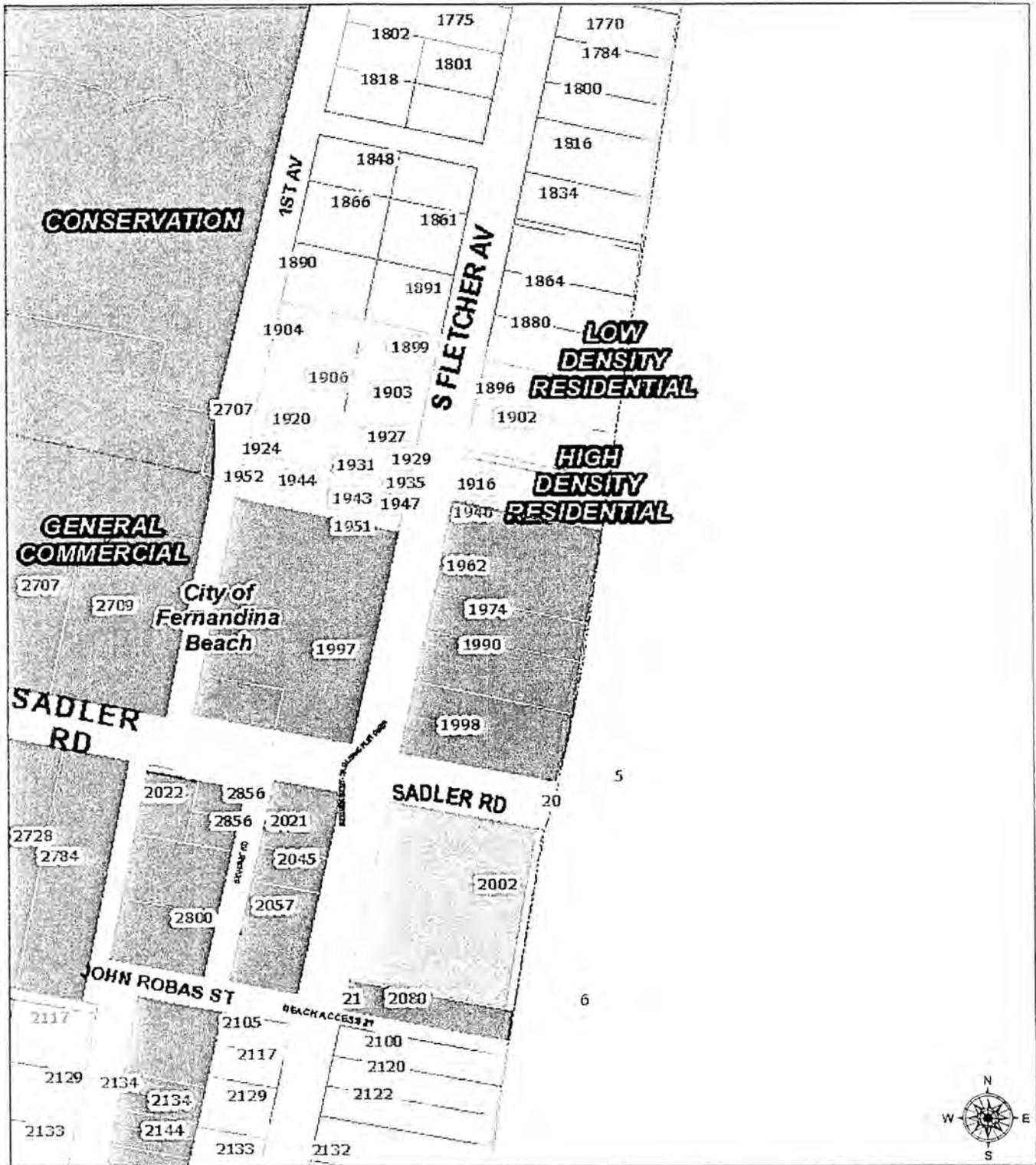
June 11, 2016

Land Parcels	R-1	OT-1	PI-1
City of F.B. Zoning	RLM	OT-2	CON
C-1	R-2	W-1	REC
C-2	R-3	IW	
C-3	RE	I-1	
MU-1	R-1G	IA	



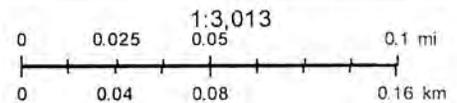
Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., MRCAN, Esri Japan, METI, Esri China (Hong Kong), Swis (Taioland), MapnyIndia, OpenStreetMap contributors, and the GIS User Community

FLUM Designation



June 11, 2016

- | | | |
|------------------------------|-------|--------------------------|
| Land Parcels | ===== | HIGH DENSITY RESIDENTIAL |
| City of F.B. Future Land Use | | WATERFRONT MIXED USE |
| ===== | ===== | INDUSTRIAL |
| ===== | ===== | INDUSTRIAL WATERFRONT |
| ===== | ===== | PUBLIC & SEMI PUBLIC |
| | ===== | CONSERVATION |
| | ===== | RECREATION |



Sources: Esri, HERE, DeLorme, USGS, Intermap, Incubator P. Corp., NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Ireland), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

1. **Call to Order** - The meeting was called to order at 5:02 pm.

Roll Call/Determination of Quorum

Board Members Present

Judith Lane, Chair	Mark Bennett, Vice-Chair
David Beal	Jon Lasserre
Charles Rogers	Chip Ross
Eric Lawrence (alternate)	Jamie Morrill (alternate)

Board Members Absent

Chris Occhuizzo

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

Member Morrill was seated as a voting member for this meeting due to the absence of Member Occhuizzo.

- 2.1 **Review and Approve June 8, 2016 Regular Meeting Minutes – A motion was made by Member Ross, seconded by Member Lasserre, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

AGENDA CHANGE: Chair Lane requested item 5.1 the Sunshine Law overview be heard first on the agenda.

Sunshine Law Overview – City Attorney Bach briefly explained the Sunshine Law is comprised of two parts (public records act and the open meetings law). She stated anything related to the business of the board or foreseeably would come before the board including email, voicemail, or any type of medium is a public record. She pointed out board members are not to be emailing other board members, but there is an exception if the board member is sending out a memo as long as there is no reply. She explained if there is a reply then both members have violated the Sunshine Law. She referred to open meetings and stated you cannot meet with one other board member and discuss anything that could foreseeably come before the board for a vote. She also explained that a board member that attempts to use an intermediary (a person not on the board) to send a message to another board member and that message gets through then both members are in violation of the Sunshine Law. She clarified that ex parte communications are only valid for quasi-judicial boards. She stated if the board was doing zoning hearings where you act as a quasi-judicial body that would make sense, but that was done at the City Commission level. She explained she would periodically remind staff and board members of the Sunshine Law.

Member Beal noted Mr. Lasserre has three cases before the board tonight. He questioned if he had talked with Mr. Lasserre about one of the cases, since Mr. Lasserre was recusing himself was that ok. City Attorney Bach replied that is not a Sunshine Law violation, because the two members are not going to participate in the same vote. She reminded the board that she was available if they had any questions. There was a brief discussion about the information that board members receive about any upcoming cases, and it was noted that information should be shared with staff to disseminate to the rest of the board.

Member Lasserre recused himself at this time and Member Lawrence was seated as a voting member. City Attorney Bach reminded Member Lasserre to fill out the voting conflict form, which is filed with the City Clerk's office.

3. New Business

3.1. PAB 2016-16 - PHOENIX INVESTMENTS, LLC, JOHN ROBAS STREET & FIRST AVENUE - ZONING MAP AMENDMENT - (PAB 2016-16), REQUEST ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM MEDIUM INTENSITY COMMERCIAL TO HIGH DENSITY RESIDENTIAL

Ms. Gibson pointed out the staff report was part of the public record. She stated PAB 2016-16 was a land use and zoning case for property located at the corner of First Avenue and John Robas (.38 acres of land) to move from General Commercial land use and C-1 zoning to High Density Residential land use and R-3 zoning designation. She explained the property previously requested the same land use and zoning in 2004 with the intent to develop three townhome units. She commented for whatever reason the applicant did not proceed with those changes so the property was back today requesting the same thing. She stated the difference today was there is no special use requirement that would come before the PAB. She explained a multi-family project or townhome style development would come through the City's Technical Review Committee (TRC), receive a local development order, and then be able to move forward. She provided further details from the staff report including that staff's recommendation was approval.

Member Ross referred to Section 12 of the Comprehensive Plan (economic development) and read "protect existing land designation for employment generating uses....." He questioned why the City was taking commercial land and turning it into residential land, which seems to be opposed to this economic development element of the Comprehensive Plan. Ms. Gibson replied it is a private applicant driven text amendment. She stated she found given that the surrounding area is a resort rental type of use that the property can generate jobs and continue to support that area. The board reviewed an aerial of the property in question. It was noted if this had gone through the City Commission for approval in the past and they just didn't develop the property they would have had the land use and zoning tied to the property.

Mr. Jon Lasserre, agent for the applicant, referred to Section 12 and noted it refers to job opportunity areas. He expressed his opinion that it was not applicable in this case. He stated his client's family assembled the property at 1940 South Fletcher and the two vacant parcels south of it over a time period from 1999 until two were sold in 2013. He commented in 2004/2005 his client and the City were engaged in a lawsuit over the lack of ability to develop the oceanfront, and part of the settlement was this parcel could be used as overflow parking for the oceanfront property. He explained the reason Mr. Kuitems stopped going forward on the R-3 application with the City Commission was to maintain Commercial so it could be paved in terms of a parking lot. He stated since the two oceanfront properties were sold in 2013 that was no longer necessary, and now Mr. Kuitems was seeking to return something that is more compatible. Member Morrill inquired if anything has to be done in relation to the legal settlement. Mr. Lasserre replied he was not building on that property, and he believed the selling of the property severed that settlement agreement. Chair Lane inquired about the size of this property. Mr. Lasserre replied .38 acres. It was noted there would be enough room for three units with parking onsite.

Member Ross noted the Nassau County Economic Development Board (NCEDB) has talked about a diversified tax base and they promote having commercial development to diversify the tax base. He stated this was taking commercial land and turning it into residential land. He questioned how this was

promoting a diversified tax base. Mr. Lasserre referred to the surrounding area and the residential development that has already taken place south of it and pointed out the parcel is small for one standalone commercial development. He commented this property has been for sale for the last 15 years as commercial property and it hasn't sold. He explained three residential units appear to more in keeping with the neighborhood than a hotel or a restaurant or a parking lot. There was a brief discussion about the surrounding uses.

The public hearing was opened at this time.

Mr. Ray Anderson, 2162 First Avenue, questioned the implication of non-conforming for those other residences. Ms. Gibson replied they are currently a grandfathered use, which is allowed to continue as long as that use does not lapse for a period greater than 180 days. Chair Lane inquired about when the property is sold. Ms. Gibson replied a property may be sold that is non-conforming and continue to maintain the same non-conforming use status as long as it remains occupied and within that same use. Mr. Anderson inquired if the intent of the development was to be used as vacation rental properties or residences. Ms. Gibson explained there is no requirement per the application process to make any decision about future development. She stated the owner determined after this has been on the market for a period of time under general commercial status and it was not selling so they felt it was in their best interest to convert it to a residential land use to sell the property. She commented short-term rental was permissible under the R-3 zoning. Mr. Anderson expressed his concern that the other residences on South Fletcher have vacation rentals and the neighborhood takes on a different aspect.

Member Beal questioned if the three properties to the south could be bought and operated as a commercial property. Ms. Gibson replied yes as a lodging accommodation. She pointed out there would be aspects if you were to operate as a lodging accommodation that would not be conforming because you would not have a hotel lobby unless it was associated through some other hotel. Member Beal inquired if it could be any other use within C-1. Ms. Gibson replied yes any other use within C-1. There was a brief discussion about this and that if the property was vacated and shut off utilities for greater than 180 days the nonconforming use would no longer be available and the property would have to be used as commercial space.

Ms. Patti Roberts, 2172 First Avenue, commented that over 60% of that end of First Avenue was owner occupied and there are very few long term rentals. She stated the idea of short term rental was like a new party every week, and that is not fun when it is in your neighborhood. She explained during a holiday weekend or a busy time the parking lot behind Dairy Queen is full. She pointed out she didn't have a problem if they were asking for R-1, because then someone would be building a house on that corner. She expressed her concern with R-3 to have short-term rental and traffic in the area.

Mr. Howard Neidig, 2786 Robert Oliver Avenue, explained his daughter lives at 2218 B First Avenue and concurred with the previous speaker. He explained weekly rental seems contrary to the other homes in that area.

Mr. Lasserre pointed out the zoning to the south of this and this property could be used like the Beach Club is over on South Fletcher or create a lodging accommodation. He explained they were talking about three units not a hotel or a condominium complex. He stated his client hasn't identified if he intends to build townhomes or rent them short term or long term. He pointed out the requested density would allow three units, and the property was twice the size of the two townhomes south of it. He commented the question is about the ability to do short-term rentals. He explained the problem with R-1 with one big house is that nobody wants to live next to fire station. He provided further comments in support of the

requested amendment including it was in keeping with good planning to go from commercial to high density residential to medium density residential to single family residential.

Member Lawrence inquired about subdividing the property into three lots and making them R-2. Ms. Gibson stated you have a minimum lot width in R-2 of 50 feet. After some discussion about the idea of subdividing the property, Member Ross briefly expressed his opposition to the request since it was turning commercial land into residential land and he was also opposed to the R-3 density. Member Beal briefly commented he thought it was a good transitional use from the commercial. There was some discussion about step down zoning/transitional zoning.

Mr. Anderson questioned step down zoning and where the character was changing and how that was connected to this request. Mr. Lasserre explained a change was put into effect in 1999 that limited short term rentals to only the R-3 zoning district, and you could only maintain your resort rental permit if you were grandfathered in and you continued with that use. He stated that was the reason you have a myriad of homes along South Fletcher that have the short-term rental ability. He pointed out since then there have been four new hotels built in the last 5+ years, but 10 years ago there weren't five hotels within a half mile of this property. He commented that has created the amount of traffic that is now at Sadler Road and South Fletcher. He briefly explained the change of the businesses in the area (Sliders, Hammerhead, etc.) He referred to step down zoning and stated the highlighted lot was the second application before the board. He briefly explained the idea of stepping down from commercial to the residential zoning. There was further discussion about step down zoning and keeping in mind the existing uses in the area. It was pointed out that R-2 was also a step down from commercial.

Ms. Gibson explained she ran a density calculation on the adjoining properties, and if the townhomes could be changed to R-2. She stated because of their narrow size they just meet the minimum for R-3 zoning standards (4,356 square feet of land area) to support that one unit. She pointed out the City would have to apply high density residential R-3 zoning status to those properties in order to make them conforming. There was further discussion and deliberation about the request before the board.

The public hearing was closed at this time. *A motion was made by Member Ross, seconded by Member Lawrence, to deny PAB 2016-16 to the City Commission requesting a Future Land Use Map (FLUM) assignment to High Density Residential and zoning change to R-3 from General Commercial Use and C-1 as described in PAB 2016-16 as presented is not sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time.* Member Ross inquired if the denial fails then the board would have to come up with a new motion to approve. City Attorney Bach replied correct. *Vote upon passage of the motion was taken by ayes and nays and was as follows:*

<i>Member Rogers:</i>	<i>Nay</i>
<i>Member Beal:</i>	<i>Nay</i>
<i>Member Ross:</i>	<i>Aye</i>
<i>Member Lawrence:</i>	<i>Aye</i>
<i>Member Morrill:</i>	<i>Nay</i>
<i>Member Bennett:</i>	<i>Nay</i>
<i>Chair Lane:</i>	<i>Nay</i>

Motion failed.

A motion was made by Member Morrill, seconded by Member Rogers, to approved PAB 2016-16 to the City Commission requesting a Future Land Use Map assignment of High Density Residential

and zoning change to R-3 from General Commercial Land Use and C-1 as described; and that PAB 2016-16 as presented is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Nay
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.2. PAB 2016-17 - FRANK D. KUITEMS, 1940 S. FLETCHER AVENUE - ZONING MAP AMENDMENT - (PAB 2016-17), ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL.

Ms. Gibson explained this parcel totals roughly .41 acres and was currently operating as a nonconforming land use. She stated at present it has a long term rental occupied at the property, and it was a duplex. She pointed out the request was the assignment of high density residential land use and R-3 zoning. She commented the intent was to maintain its current nonconforming status and remove that nonconformity. She explained there were no development plans associated with the property. She stated directly across the street and directly north of the property are high density residential zoning and adjacent to it is commercially zoned property that are resort style in nature. She reported upon review of consistency of the request staff recommends approval.

Member Ross inquired when the duplex was built how did it get zoned commercial. Ms. Gibson replied it may have been built prior to the current zoning was in place (1971). She commented through the digitizing of maps this property may have been overlooked and zoned commercial or the City may have wanted to see it be commercially developed. She explained with the development surrounding this property it was logical that an R-3 zoned district would be appropriate for this property.

Mr. Jon Lasserre, agent for the applicant, explained his grandparents purchased this property in 1973 and he grew up here until it was sold in 1999. He stated it was zoned commercial because the City wanted that whole area to go commercial. He concurred with staff and commented this was clearly a prime example of transitional zoning.

Member Ross inquired why the applicant was opposed to keeping it commercial. Mr. Lasserre explained when they bought it they intended to assemble the three lots with 215 feet on the oceanfront to build a hotel. He stated since then they sold two lots for the development of a hotel and were now seeking R-3 for this parcel. He pointed out this has been residential use since 1971 and the intent was to keep it as residential use. Member Beal pointed out that this property could not be assembled with the commercial property to south due to the prohibition of assembling more than 100 feet. He stated this would have to be a standalone commercial site. Mr. Lasserre replied correct and explained that was why the assemblage didn't work.

The public hearing was opened at this time and there being no comments from the floor the public hearing was closed. Member Ross again expressed his opposition to turning commercial property into residential. **A motion was made by Member Beal, seconded by Member Rogers, to recommend approval of PAB 2016-17 to the City Commission requesting a Future Land Use Map assignment of High Density Residential and zoning change to R-3 from General Commercial land use and C-1 zoning as described; and that PAB 2016-17 as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Aye
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.3. PAB 2016-18 - THE ASPIRE AT AMELIA II, LLC, 3017 & 3021 AMELIA ROAD - ZONING MAP AMENDMENT + LAND USE MAP AMENDMENT + VOLUNTARY ANNEXATION - REQUEST FOR VOLUNTARY ANNEXATION INTO THE CITY OF FERNANDINA BEACH, ASSIGNMENT OF A FUTURE LAND USE CATEGORY OF MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL LOW-MEDIUM (RLM) ZONING

Ms. Gibson explained this request was for a voluntary annexation of roughly 7.91 acres of land located at Simmons Road and Amelia Road. She stated the property has two single family homes and pasture land. She pointed out the Nassau County land use and zoning carries an Open Rural designation and RS-2. She explained the request was for Medium Density Residential land use designation with a Residential Low-Medium zoning designation, which was consistent with the surrounding area of that property. She pointed out the property was recently purchased by Aspire at Amelia to be part of a complex of uses that would be an assisted living facility, while the property would be a standard single family subdivision site that will have access to the assisted living facility amenities on the adjacent property. She explained the request was consistent with Comprehensive Plan policies with respect to its public facilities, and was consistent with the Land Development Code. She stated the annexation would not represent an enclave and was a logical extension of the City's boundary.

Member Ross questioned if the current zoning was Open Rural. Ms. Gibson replied a portion of the property is (4.14 acres). Member Ross referred to the total units that could currently be put on that property and explained the answer was one per acre. He questioned how many units would be able to be put here. Ms. Gibson replied a maximum of 65 units. There was some discussion about this request noting the need to annex was to receive City water and sewer. The assisted living facility would be located directly behind it to the west.

Mr. Lasserre, agent for the applicant, introduced Mr. David Hink and Mr. Bruce Jasinsky with Aspire Development. He explained Open Rural allows one per acre, and there was no comparable City zoning. He stated they were going from medium density in the County to medium density in the City. He referred to the zoning of 8 units per acre and noted that was with Medium Density Residential in the City. He pointed out Residential Low-Medium was 6 units per acre. He explained due to the characteristics and

layout of the property the maximum units was in the 30 range given a 50 foot wide lot. He stated this request was standalone to be annexed into the City with appropriate zoning and FLUM designation. He pointed out the intent was to tie together this project with the adjoining C-2 project. He clarified there was no intention to make this the assisted living facility, because it would be single family homes for sale. He briefly provided a comparison with Osprey Village that has single family detached homes. It was noted there weren't many trees on this property, but once annexed the City's Tree Ordinance would apply to the project. The board noted with RS-2 it was about 3 units per acre and there were 3.77 acres under the RS-2 zoning. Member Ross noted 18 units would be allowed under the current County zoning.

Chair Lane inquired if the C-2 property would be owned by the same development. She noted that Osprey Village and those in Jacksonville are owned by the same group. She commented people own their private home, but they buy into that assisted living. Mr. Lasserre deferred to the developer and stated they are related entities with one for sale and one is not. Chair Lane questioned staff if the board would see the platting for the C-2 part. Ms. Gibson replied there is no platting associated with commercial development. Member Lawrence inquired if the single family homes would be sold with restrictive covenants of some type that tie them to the commercial property. Mr. Lasserre stated they would share amenities. There was a brief discussion about this.

The public hearing was opened at this time.

Ms. Marilyn Baggett, 820 Simmons Road, pointed out she also owns a home on Spanish Way. She explained they have an access gate where they can leave the subdivision and go along trail which has many trees. She pointed out on the map where there were entrances for the two single family homes. She expressed her concern with 40 units in this area and the increase to traffic from this area that currently only has two driveways. She stated this area is currently in the County with a lot of trees, and commented that would be a lot of traffic added to a small rural road. She provided further comments expressing her concern with the number of people coming in and out of that area.

Chair Lane inquired about the model for this subdivision. Mr. David Hink replied their model was either age restricted or age targeted. He explained the residents are looking for a broader place in the community and they are looking for the services, which was why they thought these homes would add value over other homes. Member Morrill inquired if there would be any covenants or deed restrictions. Mr. Hink replied absolutely and stated those haven't been put together yet. He explained they would be deed restricted in the type of landscaping, frontage, type of roof, limited character so they match together, etc. He commented it would be like a Homeowners Association (HOA) that has a clubhouse. He explained on the other parcel they are developing a large clubhouse for the members for the independent living participants as well as the assisted living participants. He stated the HOA monthly fee would be for maintenance of the exterior landscape and for privileges to use the dining and other facilities on the main campus.

Member Ross questioned if hypothetically they don't go forward with this project how many units could be placed on this property. Ms. Gibson stated she would give the board an exact figure momentarily and reminded the board Mr. Lasserre pointed out the zoning code restricts through the RLM zoning district to 6 units per acre. Member Ross noted in that area there are single family homes on big lots and questioned how this would fit in with that. Mr. Hink stated their interest was for single family homes in there, which would be supportive of the larger community. Member Ross commented those single family homes would be on much smaller parcels than what is in the neighborhood. Mr. Lasserre explained the Barrington subdivision has 23 lots and was approximately the same size as this property where they were talking about 30 so it was quite comparable. He referred to the surrounding property and stated they are

not departing dramatically from the character of the area. There was further discussion about this request and it was noted that it would annex immediately because it was contiguous to the City and would be under the City's Tree Ordinance and other ordinances. City Attorney Bach briefly explained when a property is annexed you have to assign a City zoning category.

Mr. Lasserre stated they were applying to be annexed and at the same time they were asking for a FLUM designation and zoning. Member Ross requested clarification of the annexation process. Ms. Gibson explained when someone comes to the City with a request to be annexed one of the things the City looks at is to find out if that property is contiguous to the City limits. She stated this property is contiguous so the City was requesting a voluntary annexation, because with them coming into the City now there was no need for an annexation agreement. There was further discussion to clarify the annexation process, and Ms. Gibson explained that with the RLM zoning at 6 units per acre including public rights-of-way you could have up to 52 units total. She pointed out this project would come back before the board for preliminary and final plat. She explained the board would see the streets and the layout of the lots at some point in the future because this will follow a subdivision process. Member Ross inquired if it was R-1 how many units could be built. Ms. Gibson replied 34 units and there was the minimum lot width of 75 feet.

Mr. Michael Waskew, 3105 Aja Court, explained his property abuts this land. He commented this was sticking in a higher density between two lower densities of housing, which makes no sense to him. He stated reading the zoning designation not only does it allow single family houses, but allows townhouses, duplexes, and triplexes. He noted this would allow for great flexibility in developing the property. He referred to Osprey Village and pointed out you can't resell your property except to Osprey Village. He noted that once this property is rezoned it is rezoned. He explained he was pleased to hear single family was proposed, and suggested that it be made 75 foot lots. He commented the neighbors would like to maintain the nature of the existing neighborhood. He pointed out there are wetlands on the commercial parcel directly behind his property, and whatever development is done will create runoff. He expressed his concern about the impact to their retention pond. He provided further comments about the proposed project and expressed his hope that the development understands that the neighbors want the zoning to reflect what they have now.

Mr. Tom Martin 3136 Aja Court, expressed his concern about the traffic because there is already a lot of traffic on Amelia Road. He commented adding another entryway was going to cause even more traffic. He explained he didn't see a big difference if R-1 restricts what can be built and is a 75 foot lot size, because he thought that was in keeping with what his subdivision has. He also expressed his concern about what happens to Barrington's retention pond when there is runoff from 30+ homes.

Member Bennett noted if they build this they would have to have their own retention. Mr. Lasserre stated the developer cannot tie into Barrington's retention pond without their consent. He pointed out there would be onsite retention on this property as well as the commercial property and be designed as to where the water would go if it were to overflow. He explained they were aware of the drainage in the area and it would have to be permitted through the St. Johns River Water Management District (SJRWMD). He stated although Medium Density Residential does allow single, duplex, triplexes, and condominiums the requested zoning, RLM only allows single family. He pointed out single family was the only housing type under RLM. He referred to the concerns about commercial traffic and commented it was not reasonable to take a commercial truck for the assisted living facility down Amelia Road. He stated there would be a major entryway through Amelia Island Parkway. Ms. Gibson explained the staff report points out the requirements for permitting for a subdivision and read a portion into the record. She referred to the questions about the future of Simmons Road and stated she has been working with Nassau County

there was a proposed 10 foot paved multi-use path that would go along Simmons Road connecting the beaches at South Fletcher all the way to Bailey Road. Mr. Lasserre commented his client has been working on that multi-use path as well, and they intend to dedicate 15 feet along Bailey Road to facilitate that path as well as land along Amelia Island Parkway. There was some discussion about the multi-use trail.

Member Ross questioned the choices with the zoning associated with this annexation. City Attorney Bach replied usually the choices are to keep it in line with what the County zoning is. It was noted there was not comparable zoning to Open Rural in the City. Member Ross inquired about the choices. Ms. Gibson replied the most reasonable fit was Medium Density Residential and RLM zoning. Member Ross argued that R-1 is the most comparable to Open Rural.

Ms. Lauree Hemke, 751 Barrington Drive, expressed her concern with the proposed zoning. She stated she didn't see why the zoning cannot be the same as Barrington or comparable. She also expressed her concern that if approved people would build at a higher density and she was concerned with the wetlands as well as the greenery around the property. She stated she didn't have a lot of faith in developers that say they are going to protect the trees. She explained she was also concerned with the roads and the traffic in the area.

Ms. Elsa Mitschele, 3105 Aja Court, pointed out currently there is a creek that runs along the entire proposed area and where she lives. She inquired about what would happen with that creek. She also inquired what they would do to differentiate that neighborhood from Barrington. Mr. Lasserre stated he was familiar with the wetland behind the Barrington subdivision on the Amelia Holdings property, which is in the City. He pointed out wetland property in the City cannot be touched, and would be protected by the City's regulations. He referred to trees and reported they would abide by the Tree Ordinance. He pointed out transitional zoning is important and there are a lot of uses under C-2 so this property would be stepping down the zoning. He clarified it was going from Intensive Commercial to Low to Medium Density to allow the development of this particular site. Chair Lane suggested the developer work with the Tree Conservancy in their planning. There was a brief discussion about this.

Ms. Mary Pitcher, 3116 Amelia Road, pointed out Amelia Road is a very narrow road with no shoulders. She stated she did not have any objection to any of this or the zoning with the exception of any entry or exit onto Amelia Road other than what is currently there. She suggested that the major entrance be off Amelia Island Parkway and no entry or exit onto Amelia Road.

Ms. Melinda Signorella, 3117 Aja Court, explained her house backs up to the retention pond and if there is no type of wall securing the area between their property and Barrington's pond she was concerned about the liability with that pond. She commented senior citizens could stumble out and fall into the pond. She questioned how this would be tying into Amelia Island Parkway, because she didn't want that to back up to her property either. Mr. Lasserre noted the concerns and explained they have to have a secondary access for the project. He pointed out that would be taken care of at the Technical Review Committee level. He stated the only logical entrance for heavy traffic would be from Amelia Island Parkway not from Amelia Road. He explained this was a logical move from C-2 to an area that is developing and growing. He pointed out there are three driveways along Amelia Island Parkway accessing two homes and a farm, and that would be reduced to one. He referred to the liability of the pond and explained each homeowners association would be responsible to be sure they are not negligent in maintenance and securing its border.

Mr. Dwight Ingram, 3135 Aja Court, expressed his concern about traffic congestion at Simmons and Amelia Road as well as over at 14th Street. He also expressed concern about the secondary access to the property onto Amelia Road. Mr. Lasserre explained the previous owner divided the property in this manner and the platting would come back to the board for approval. He pointed out that was not necessarily where the entrance would be.

Member Lawrence commented if this were annexed without consideration of the adjacent property it could be a standalone subdivision so there would be that traffic in and out without the potential of tying into something and a secondary exit. He explained he was starting to see the advantages of this with how it was being put together as a package to help alleviate some of the issues. He pointed out they might want to give the opportunity to people in Barrington to join the club, because it was really the same demographic. He questioned if the project was financially feasible as an R-1 project. Mr. Bruce Jasinsky, 645 Gaines Lane, explained they are trying to create a product where people were more than likely wouldn't be taking children to school every morning and would more than likely dine it at the facility. He stated these people are going to be less mobile than what a typical subdivision would be. He commented a typical R-1 subdivision would create that much more traffic. He referred to the question of financially could you do a few less and stated financially is one issue but another is logistically. He pointed out how many senior facilities do you go to where there are big yards and big houses. He explained they are trying to create a controlled environment with smaller lots and smaller houses, because these people would be stepping down. He commented the preliminary work after all the City codes are put in under the RLM zoning they only get about 30 units. He provided further comments about this concept. There was further discussion about this case noting that with R-1 zoning there could be 34 units. Ms. Gibson briefly outlined the next steps for this annexation request, the assignment of a Future Land Use Map category, and zoning designation that would go before the City Commission as three separate Ordinances. She pointed out the board in the future would see a preliminary plat and final plat associated with the development of the subdivision. She stated this property would be treated as a standalone subdivision regardless of the association/affiliation it will have with the assisted living facility. The board continued its discussion with the applicant with regard to the zoning for this project.

Ms. Gibson provided a brief clarification about the Technical Review Committee (TRC) process which includes various City departments to review the initial site plan, which then would move forward with the process of a preliminary plat. She further explained the process of the project moving forward.

The board took a brief recess at this time.

Chair Lane polled the board about moving the Port Master Plan item to the August. After a brief discussion, *the consensus of the board was to postpone the Port Master Plan discussion item to August.*

Member Ross noted this property is going to be annexed and have some residential designation. He commented it was a matter of whether it was going to be R-1 or RLM.

Mr. Michael Waskew, 3105 Aja Court, commented the residential development part of this would be treated as a separate parcel not connected to the development of the commercial parcel. He noted the separate parcel requires two means of egress not through an adjacent property. He pointed out there would be an access on Amelia Road and one onto Simmons or two onto Amelia Road. He stated the 182 people that live on parcel C would increase the traffic onto Amelia Road. He explained he wasn't opposed to development, but they want to be sure the board hears the neighbors' concerns and address them upfront.

Mr. Lasserre questioned staff if there was anything in the code that would prohibit the second access coming through Amelia Island Parkway if it was a dedicated easement across private property. He referred to the concern of people leaving the assisted living facility to exit onto Amelia Road and explained a gate was intended to prohibit that. Ms. Gibson stated the vehicular section is 4.04.02(e) and read there should be at least two vehicular access points to an improved right-of-way. There was a brief discussion about this and it was noted the TRC has reviewed the preliminary application for the assisted living facility.

The public hearing was closed at this time. **A motion was made by Member Bennett, seconded by Member Morrill, to recommend approval of PAB 2016-18 to the City Commission requesting that a voluntary annexation to the City limits be approved assigning the Medium Density Residential land use and RLM zoning category as described in PAB 2016-18; and as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Rogers:	Aye
Member Beal:	Aye
Member Ross:	Nay
Member Lawrence:	Aye
Member Morrill:	Aye
Member Bennett:	Aye
Chair Lane:	Aye

Motion carried.

4. **Comments by the public** – There were no comments from the public at this time.

5. **Board Business**

5.1. **Sunshine Law Overview** – This was provided by the City Attorney at beginning of meeting after approval of Minutes.

5.2. **Discuss Public Speaking Procedures** – City Attorney Bach commented that the board has bylaws, and she couldn't remember if there was a speaker limit. Chair Lane noted in the past the board opened up the speaking and there were times where the board has said it would have to be limited to three minutes. She explained she had no intention of cutting people off. She questioned if the board wanted to handle this on a case by case basis. Member Bennett explained part of the board's job was to hear from the public. He stated he rather leave it on a case by case basis, because sometimes it takes a little longer so that the public understands. Member Beal agreed with case by case. He commented when there is a chamber full the board may have to limit people especially if they start saying the same things over and over. He explained when you are passionate about something to be limited to three minutes and you are the only person in the audience it angers you. Member Lasserre agreed with a case by case basis, and pointed out tonight there were a lot of people and they were respectful. There was some discussion and deliberation about the best way to proceed, and it was noted in the past the board has asked speakers to limit themselves. The board also noted when an item gets so emotional it takes away from it, because people stop looking at the facts.

City Attorney Bach commented in her experience taking a recess will diffuse an issue and it works well when people are emotional. Chair Lane noted people get emotional with change. City Attorney Bach suggested a time set for the hearing or having an end time to the board's meeting. Chair Lane stated she likes the mix of the board discussing things and then hearing from the applicant and questions can be asked about that. Member Lasserre commented he had to appear before Nassau County's Code Enforcement Board three times over the last three months, and they begin their meeting going over the procedure. There was further discussion about having a procedure and Chair Lane requested the board's thoughts be sent to the City Attorney.

5.3. Discuss Port Master Plan and Comprehensive Plan Inconsistencies for OHPA Review (Continued Discussion from June Meeting) – During item 3.3 the board was polled, and *the consensus was to postpone the Port Master Plan discussion item to August.*

Board Agenda Materials - Member Ross referred to the timing of getting the board's agenda materials and explained where he used to live ten days before was a cutoff date. He pointed out for the cases he goes through the material and visit the sites. He questioned if there was a way to get it at least a week ahead of time. Chair Lane pointed out the board used to get material earlier, but staff was inundated with a lot of stuff. Ms. Gibson replied the internal procedure was to get it to the board one week in advance, and over the last four years she has had to push it back to the Friday before so there is at least the weekend to review as well as the days leading up to the meeting. She reminded the board of the special meetings back to back and explained with her becoming ill she was unable to get the information to the board. There was a brief discussion about this and getting materials to the board in an earlier timeframe.

City Attorney Bach pointed out the advertising requirements are ten days before, which is days before an agenda is even posted. She explained if staff was running behind it would appear on the agenda because it has been advertised. She commented if the board felt it was not prepared a motion can be made to postpone until the next meeting. There was further discussion about this and it was noted it was also up to the board members to do independent research to make decisions on facts.

6. Staff Report – Ms. Gibson reported the American Planning Association (APA) has selected the City's Comprehensive Plan to be reviewed for best practices as part of their sustaining places initiative, and for consideration as a pilot program to help with other small towns and communities. She explained she would receive more feedback about that later this year. She pointed out the City has a couple new brochures that an intern worked on (citizen's guide to tree and landscape requirements and bicycle safety).

The next regular Planning Advisory Board Meeting would be July 13th.

7. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:29 pm.

Secretary

Judith Lane, Chair

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Ordinance 2016-30**
 Zoning Map Amendment - 1940 S. Fletcher Avenue

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **Approve Ordinance 2016-30 at First Reading.**

SYNOPSIS: The applicant is requesting assignment of the High Density Residential Future Land Use Map Category and R-3 zoning district. The property is currently occupied for residential use as a duplex and considered to be operating as a non-conforming use given the existing General Commercial land use and C-1 zoning. Plans have not been provided about any potential development of the site. Site plans are not required to be reviewed as part of a future land use map amendment and zoning change request.

Staff has issued a recommendation of approval. The Planning Advisory Board considered the requested Zoning Change at its Regular Meeting on July 13, 2016, and issued a recommendation of approval.

FISCAL IMPACT: Fiscal impact will be based upon proposed future development (number of sites and structures, infrastructure construction and maintenance, etc.).

2016/2017 CITY COMMISSION GOALS: (As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input checked="" type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2016-30 at First Reading.

DEPARTMENT DIRECTOR	Submitted by: Marshall McCrary CDD Director	Date: 7/29/16
CONTROLLER	Approved as to Budget Compliance	Date: 6/3/16
CITY ATTORNEY	Approved as to Form and Legality	Date: 8/2/16
CITY MANAGER	Approved Agenda Item for 8/16/16	Date: 8/2/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

ORDINANCE 2016-30

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH CHANGING THE CITY'S ZONING MAP FROM COMMUNITY COMMERCIAL (C-1) TO HIGH DENSITY RESIDENTIAL (R-3) FOR PROPERTY LOCATED AT 1940 S. FLETCHER AVENUE, TOTALING APPROXIMATELY 0.41 ACRES OF LAND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Advisory Board reviewed the Zoning Map Change application number PAB 2016-17 at its July 13, 2016, meeting and recommended approval of the change to High Density Residential (HDR); and

WHEREAS, notice of public hearing on such application was published in the News Leader, a newspaper of general circulation in Fernandina Beach, Nassau County, Florida, on June 29, 2016.

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

SECTION 1. PROPERTY INVOLVED. The property identified for this change of the Zoning Map is located at 1940 S. Fletcher Avenue and identified as Parcel ID # 00-00-31-1460-0041-0000, totaling approximately 0.41 acres, and is shown on the map attached hereto as Exhibit "A".

SECTION 2. ZONING MAP CHANGE. For the property in question, the City's Zoning Map is hereby changed from Community Commercial (C-1) to High Density Residential (R-3).

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 4. This Ordinance shall take effect immediately after its final adoption.

ADOPTED this 20th day of September, 2016.

CITY OF FERNANDINA BEACH

JOHN A. MILLER
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

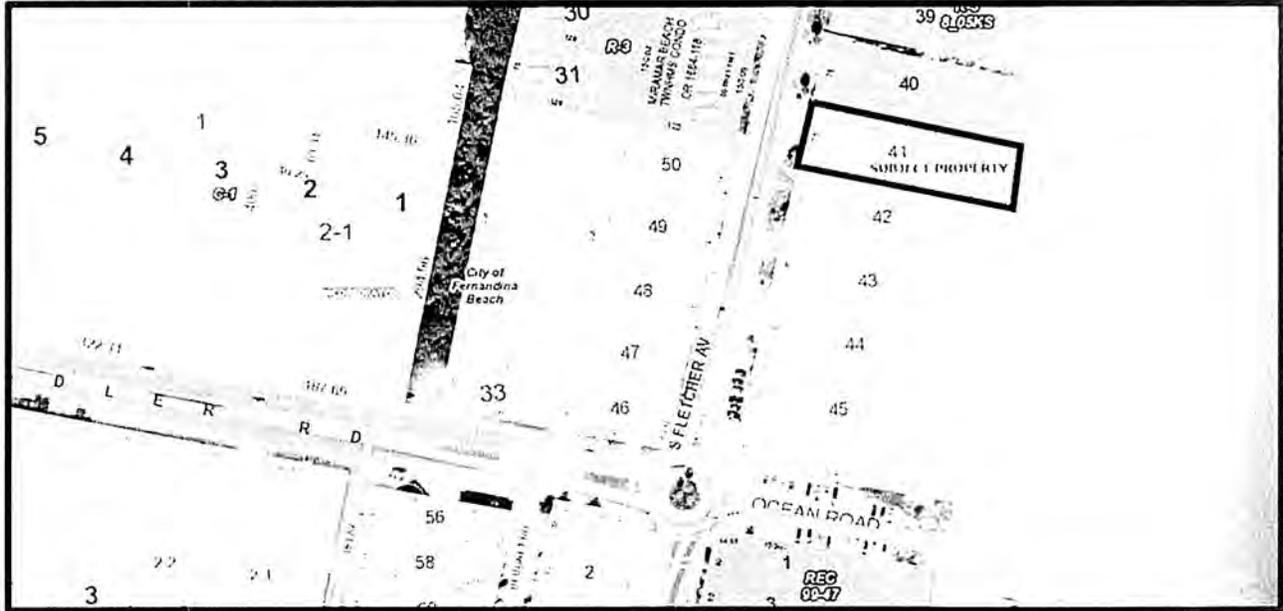


TAMMI E. BACH
City Attorney

CAROLINE BEST
City Clerk

**ORDINANCE 2016-30
EXHIBIT "A"**

FRANK D. KITEMS, (PAB CASE 2016-17), REQUESTING ZONING MAP CHANGE FROM COMMUNITY COMMERCIAL (C-1) ZONING TO HIGH DENSITY RESIDENTIAL (R-3) ZONING FOR PROPERTY LOCATED AT 1940 S. FLETCHER AVENUE AND IDENTIFIED BY PARCEL NUMBER 00-00-31-1460-0041-0000, TOTALING 0.41 ACRES OF LAND.





**STAFF REPORT
PAB (LU/CZ) 2016-17
Planning Advisory Board Hearing
July 13, 2016**



APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	Frank D. Kuitens				
AGENT:	Roger Towers, P.A. – Jon C. Lasserre, Esq.				
REQUESTED ACTION:	Small Scale Future Land Use Map Amendment and Zoning Change				
LOCATION:	1940 S. Fletcher PIN# 00-00-31-1460-0041-0000				
CURRENT LAND USE +	General Commercial (GC) and C-1 (Community Commercial)				
ZONING:					
PROPOSED LAND USE +	High Density Residential (HDR)/ R-3 (High Density Residential)				
ZONING:					
EXISTING USES ON SITE:	Vacant				
PROPERTY SIZE:	0.41 Acres				
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Year Built</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Single Family Home	1963	R-3	High Density Residential
	South	Vacant – Commercial Proposed Hotels	N/A	C-1	General Commercial
	East	Atlantic Ocean	A long long time ago	N/A	N/A
	West	Townhomes	Renovated in 2010	R-3	High Density Residential

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website and at the Community Development Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant is requesting assignment of the High Density Residential Future Land Use Map Category and R-3 zoning district. The property is currently occupied for residential use as a duplex and considered to be operating as a non-conforming use given the existing General Commercial land use and C-1 zoning. Plans have not been provided about any potential development of the site. Site plans are not required to be reviewed as part of a future land use map amendment and zoning change request.

CONSISTENCY WITH THE COMPREHENSIVE PLAN (PLAN):

The property contains a Future Land Use Designation of General Commercial (GC), Policy 1.07.08. The applicant is requesting a new land use assignment of High Density Residential (HDR), Policy 1.07.06.

Policy 1.02.04 provides nine (9) factors for Future Land Use Map decision making which include, the type and density of surrounding uses, zoning districts within the surrounding area, and compatibility of uses within the surrounding area. Policy 1.02.06, 1.02.08, and 1.02.09 directs land uses which strive to protect the integrity and stability of established residential areas from encroachment by incompatible development and providing for orderly transition of incompatible uses.

The property located at 1940 S. Fletcher Avenue was constructed as a residential duplex in 1971 and continues to retain this uses. This requested use of High Density Residential is in keeping with the established pattern, zoning and use within the surrounding residential areas.



**STAFF REPORT
PAB (LU/CZ) 2016-17
Planning Advisory Board Hearing
July 13, 2016**

CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Section 2.01.06 of the Land Development Code states the intent of R-3 High Density Residential, zoning classification. The R-3 zoning district allows for both single family residential developments as well as multifamily and the ability to have resort rentals.

Section 2.01.06 of the Land Development Code states the intention of the High Density Residential (R-3) zoning district as follows:

The R-3 District is intended for the development of high density residential uses allowing both single and multi-family dwellings. Bed and breakfast inns and resort rental dwellings may be allowed, subject to additional design standards. Limited neighborhood commercial uses may be allowed through the PUD process.

CONCLUSION:

Given the nature and characteristics of the property as a non-conforming use and its location bordering other High Density Residential (HDR)/ R-3 zoned lots, staff recommends approval of the applicant's request.

MOTION(S) TO CONSIDER

I move to recommend **(approval or denial)** of PAB case number 2016-17 to the City Commission requesting a Future Land Use Map assignment of High Density Residential and zoning change to R-3 from General Commercial land use and C-1 zoning, as described and that PAB case 2016-17 as presented, **(is or is not)** sufficiently compliant with applicable Florida Statutes, Comprehensive Plan and Land Development Code to be approved at this time.

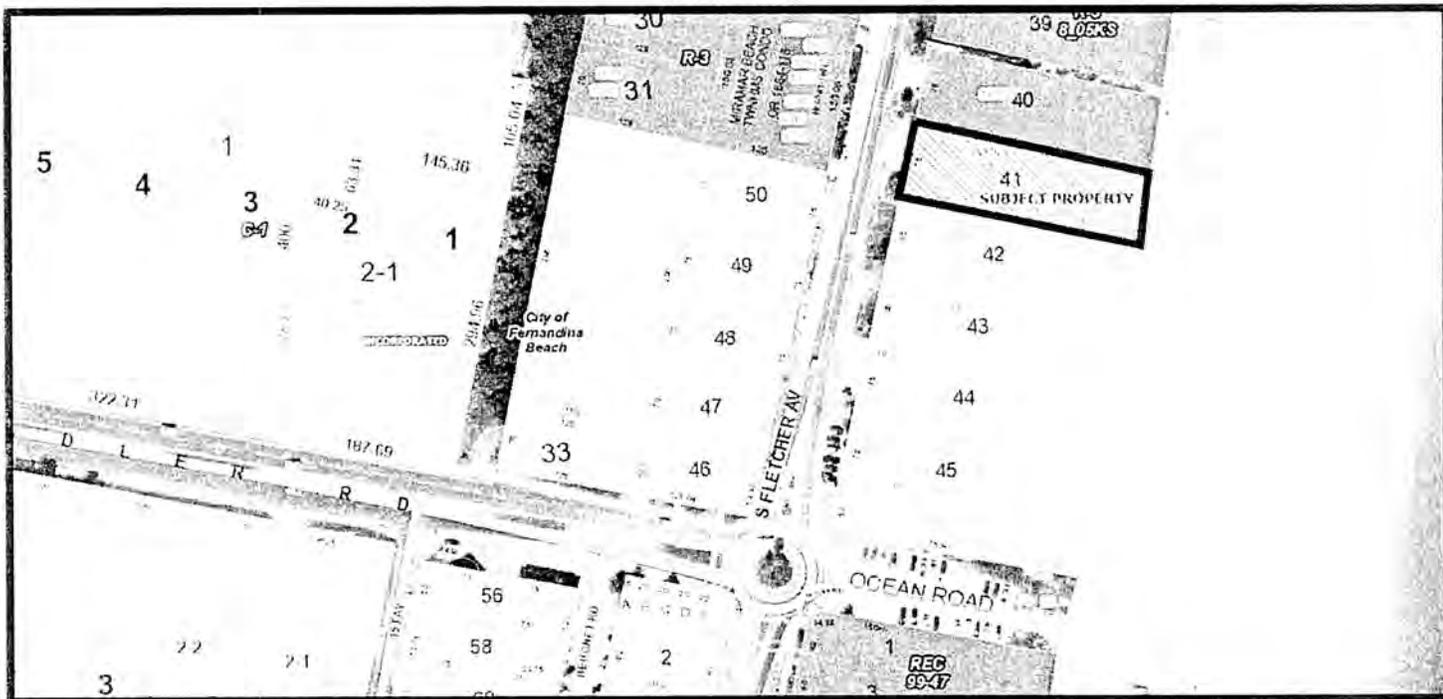
Submitted by:

Kelly N. Gibson, AICP
Senior Planner



STAFF REPORT
PAB (LU/CZ) 2016-17
Planning Advisory Board Hearing
July 13, 2016

EXHIBIT A



OFFICE USE ONLY

RECD: 6/13/16 BY: [Signature]
PAYMENT: \$ 1700 - TYPE: CK 1633
APPLICATION #: 2016-0000965
CASE #: 2016-18 CZ+LU
BOARD MEETING DATE: 7/13/16



PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

APPLICANT INFORMATION

Owner Name: Frank D. Kuitens
Mailing Address: 1940 South Fletcher Avenue, Fernandina Beach, Florida 32034
Telephone: (904) 261-5618 Fax: (904) 261-9519
Email: N/A

Agent Name: Rogers Towers, P.A., c/o Jon C. Lasserre, Esq.
Mailing Address: 960185 Gateway Blvd., Suite 203, Fernandina Beach, Florida 32034
Telephone: (904) 261-5618 Fax: (904) 261-9519
Email: JLasserre@RTLAW.com

PROPERTY INFORMATION

Street Address: 1940 S. Fletcher Avenue, Fernandina Beach, Florida 32034
Parcel Identification Number(s): 00-00-31-1460-0041-0000
Lot Number: 41 Block Number: N/A Subdivision: Miramar Beach, Section One
Section: 20 Township: 3N Range: 29E

PROJECT INFORMATION

Total Number of Lots/Parcels: One

Less than One (1) acre Sq. Footage: Yes One (1) Acre or Greater: No

Existing Zoning Classification: C-1 (Community Commercial)

Existing Future Land Use Classification: General Commercial

Previous Planning/Zoning Approvals: None

Description of Request:

Requesting a zoning change from C-1, Community Commercial to R-3, High Density Residential and FLUM Designation from General Commercial to High Density Residential. There is a duplex structure presently on the property that is occupied by the owner and tenants. The Property has previously been used as a resort rental and had a resort rental permit that has expired. The requested change is compatible with existing and adjoining uses and provides a transition from Commercial to Residential. The property is essentially undevelopable as commercial.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

June 23, 2016
Date

[Signature]
Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU }
SS }

Subscribed and sworn to before me this 23 day of June, 2016.

[Signature]
Notary Public: Signature

Jennifer T. Athavale
Printed Name

9-30-18
My Commission Expires

Personally Known OR Produced Identification ID Produced:





**OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION**

19405 Frederica
Lot 41

I/we FRANK J. KUTZMUS
(print name of property owner(s))

hereby authorize TOM LASSERIE
(print name of agent)

to represent me/in in processing an application for RE-ZONING
(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]
(Signature of owner)

(Signature of owner)

FRANK J. KUTZMUS
(Print name of owner)

(Print name of owner)

Virginia
STATE OF FLORIDA
COUNTY OF NASSAU



DAVE SHEETS DOYLE
NOTARY PUBLIC 132006
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES FEBRUARY 28, 2018

Subscribed and sworn to before me this 5th day of June, 2010

[Signature]
Notary Public Signature

Dave Sheets Doyle
Printed Name

February 28, 2018
My Commission Expires

Personally Known _____ OR Produced Identification X ID Produced: FLIC



USE THIS FORM TO: Request actions to affect changes to property (zoning changes, annexations, allowable uses, subdivisions).

FEES: See below. Fees are payable upon application.

IMPORTANT NOTES: To guide you through the process and ensure that your application is understood and properly processed, you'll need to meet with a City Planner prior to submitting your application. Completed applications are due 30 days prior to the Planning Advisory Board meeting date.

KEY CONTACTS: The Planning Department will guide your application from start to finish, engaging other City departments or agencies as needed.

PLANNING ADVISORY BOARD APPLICATION FOR:

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

2016 Planning Advisory Board Meeting Schedule

Application Deadline (4:30pm)	Dec 14 2015	Jan 11 2016	Feb 8 2016	Mar 14 2016	Apr 11 2016	May 9 2016	Jun 13 2016	Jul 11 2016	Aug 15 2016	Sep 12 2016	Oct 10 2016	Nov 14 2016	Dec 12 2016	Jan 9 2017	Feb 6 2017
Meeting Date	Jan 13 2016	Feb 10 2016	Mar 9 2016	Apr 13 2016	May 11 2016	Jun 8 2016	Jul 13 2016	Aug 10 2016	Sep 14 2016	Oct 12 2016	Nov 9 2016	Dec 14 2016	Jan 11 2017	Feb 8 2017	Mar 8 2017

APPLICATION REQUIREMENTS PLANNING ADVISORY BOARD

APPLICATION CHECKLIST:

Submit all of the following information for a complete application, as applicable:

- A notarized application filed at least thirty (30) days before the date of the Planning Advisory Board's public hearing;
- A current survey of the property (no older than two years);
- A completed owner's authorization for agent form, if applicable;
- A detailed letter of intent stating the following:
 - o The consistency of the proposed amendment(s) or action(s) with the City's Comprehensive Plan.
 - o A justification for the proposed amendment(s) or action(s).
- A map of the area indicating the proposed zoning district designation for the subject property. The map shall show the current zoning district designations and land use categories from the Future Land Use Map in the comprehensive plan for the subject property and all adjacent properties.

IMPORTANT NOTES AND REQUIREMENTS:

Please see additional Land Development Code (LDC) requirements for specific application types:

- LDC Text Amendment** – see LDC Section 11.01.08.
- Preliminary Subdivision Plat** – see LDC Section 11.01.05.
- Final Subdivision Plat** – see LDC Section 11.01.05.
- Zoning Map Changes** – see LDC section 11.01.07.

You will receive a staff report one week before your meeting.

STAFF CONTACT:

Kelly Gibson
Senior Planner
kgibson@fbfl.org
904.310.3135



ATTORNEYS AT LAW

Jon C. Lasserre

JLasserre@rtlaw.com

960185 Gateway Boulevard • Suite 203
Amelia Island, Florida 32034

904. 261 . 5618 Main
904. 261 . 0159 Fax
www.rtlaw.com

June 13, 2016

Ms. Kelly N. Gibson
Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida, 32034

**RE: APPLICATION FOR ZONING MAP AND FLUM AMENDMENTS
FRANK D. KUITEMS
PARCEL ID# 00-00-31-1460-0041-0000
1940 SOUTH FLETCHER AVENUE**

Dear Ms. Gibson,

Our firm is pleased to present the enclosed Application for Zoning Map and FLUM Amendments (the "Application") concerning approx. 0.41 acre located at 1940 South Fletcher Avenue, Fernandina Beach, Florida (the "Property") on behalf of Frank D. Kuitems. The Property is located within the jurisdiction of the City of Fernandina Beach.

Please find enclosed a check in the amount of \$1,750.00 for the Application fee. This Application is submit in conformity with Section 11.01.07 of Ordinance 2006-14 (as amended), also known as the City of Fernandina Beach Land Development Code.

The Property is presently zoned C-1, Community Commercial with a FLUM designation of General Commercial. We are requesting a change of the zoning to R-3 and a change of the FLUM designation to High Density Residential. The Property consists of one 75' wide ocean front lot that presently has a duplex structure. The duplex was constructed in 1971. During the majority of the time since the construction of the duplex, the Property was used as a short term rental and was issued a Resort Rental permit in 2000 that has since expired. However, a Resort Rental permit could be reissued under the present zoning with the determination that the property's use is as a Lodging Accommodation, an allowed use under C-1 subject to supplemental standards.

Among others, this requested rezoning is consistent with the following Objectives of Goal 1, The Future Land Use Element of the City's Comprehensive Plan:

1. Objective 1.02.04 – FLUM amendments shall be considered based upon the factors a-i:

- a. *Type and density or intensity of surrounding uses* – The property to the north of the Property is used as a residence and is zoned R-3 with a FLUM designation

of High Density Residential; the property to the west is a multi-family condominium and is zoned R-3 with a FLUM designation of High Density Residential (the requested amendment, if granted, would align the zoning and FLUM designations of the properties to the north and west with that of the Property); the property to the south is vacant and is zoned C-1 with a FLUM designation of General Commercial (this is the current zoning and FLUM designation of the Property); the Atlantic Ocean adjoins the Property to the east. A FLUM amendment for the Property to High Density Residential would be suitable and compatible with the type and density of surrounding uses.

b. *Zoning districts in the surrounding area* – The zoning and FLUM designations of the surrounding area are discussed in Paragraph a, above. A zoning map amendment to R-3 for the Property would be suitable and compatible with the surrounding zoning districts. Further, the amendment would add an additional buffer for existing residential and act as a transition from commercial to residential zoning.

c. *Demonstration of adequate water supply and water supply facilities* – The Property presently has a duplex that is tied into the municipal water and sewerage system. Adequate water and water supply facilities exist.

d. *Appropriateness of the size of the parcel compared to the proposed use* – The Property is an appropriate size for use as multifamily residential.

e. *Physical condition of the site, and the suitability of soils and topography for the proposed use* – The Property's physical condition, soils and topography are suitable for multifamily residential use. A Special Use Permit was issued in May 2004 for the development of the site as multifamily.

f. *Suitability of the site based on the presence or absence of natural resources, environmentally sensitive lands, flood zones, or historic resources* – The Property is suitable for use as multifamily residential based upon the consideration of these issues.

g. *Compatibility factors* – The property is currently compatible with the surrounding uses and the proposed FLUM designation change would make the current use compatible with the FLUM.

h. *Impact on adopted levels of service standards and quality of service standards* – The impact on adopted level of service standards and quality of service standards resulting from a change in the FLUM designation would be minimal.

i. *Location in a Coastal Upland Protection Zone (CUPZ)* – The property is located within the CUPZ. Changing the FLUM designation would not present a conflict with the CUPZ.

Ms. Kelly N. Gibson

June 13, 2016

Page 3

2. Objective 1.02.08 – Stable or established residential areas shall be protected from encroachment by incompatible development by establishing and increasing the amount of mixed use transitional areas.

a. The Property is presently has a duplex structure located on it. The property to the north is residential and the property to the west is multifamily condominiums. The the property to the south is vacant commercial and the property is bounded on the east by the Atlantic Ocean.

In addition to the reasons set forth above, the proposed amendment to the zoning map and FLUM designation is justified because the action will change the existing, non-conforming use into a conforming use.

I look forward to reviewing your staff report on this Application. If you have any questions, please do not hesitate to contact me.

Very truly yours,



Jon C. Lasserre

Encl.

Cc: Frank D. Kuitems

Recording 10.00 + 3.00 = 13.50
Esc. Stamp 3150.00
Int. Tax.
Total 3160.00

THIS INSTRUMENT PREPARED BY:

JACOBS & PETERS, P. A.
401 Centre Street, Second Floor
Fernandina Beach, Florida 32034

DEC 15 1998
RECORD AND RETURN TO:
JACOBS & PETERS, P. A.
401 Centre Street, Second Floor
Fernandina Beach, Florida 32034

RE PARCEL ID #: 00-00-31-1460-0041-0000
BUYER'S TIN:

Rec. 13.50
DS. 3150.00

BK 0859PG0512

OFFICIAL RECORDS

Florida Documentary Stamp tax
required by law in the amount
of 3150.00 Certificate of
Payment No. 59-6015296-01
Date Dec 15 1998
Monte J. P. W.
Clerk Circuit Court Nassau County Florida

TRUSTEE DEED

THIS TRUSTEE DEED is made this 1st day of December, 1998 by Rowena C. Nylund, Charles Courson and William Rodeffer as successor co-Trustees of the Bertha B. Courson Living Trust U/D/O November 6, 1997, hereinafter called Grantor, and whose address is 2822 Monroe St., Columbia, S.C. 29205 to Carlos A. Levy and Kathryn M. Levy, his wife and Frank D. Kultems, married, hereinafter called Grantee and whose address is 116 Devon Dr., St. Marys, Ga. 31558.

(Wherever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH:

THAT the Grantor, pursuant to the powers and authority granted by the terms and provisions of the aforesaid Trust Agreement, and in consideration of the sum of Ten and NO/100 Dollars and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the Grantee the following described land situate, lying and being in Nassau County, Florida, to wit:

Lot 41, Miramar Beach, Section One, according to the Plat thereof as recorded in Plat Book 2, page 61, Public Records of Nassau County, Florida.

The real property described in this instrument is not the constitutional homestead nor the primary physical residence of the Grantor.

SUBJECT TO taxes accruing subsequent to December 31, 1998.

SUBJECT TO covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.

TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants to and with said Grantee that Grantor is the duly appointed, qualified and acting Trustee under the aforesaid Trust Agreement, and in all things preliminary to and in and about the sale and conveyance of the property described herein, the terms, conditions and provisions of the aforesaid Trust Agreement, and the laws of the State of Florida have been followed and complied with in all respects, and that the undersigned Grantor has the full power and authority to execute this deed for the uses and purposes herein expressed; and that said land is free of all encumbrances.

Ⓟ

THIS INSTRUMENT PREPARED BY:
Arthur I. Jacobs
JACOBS & ASSOCIATES, P. A.
401 Centre Street, Second Floor
Fernandina Beach, Florida 32034

RECORD AND RETURN TO:
JACOBS & ASSOCIATES, P. A.
401 Centre Street, Second Floor
Fernandina Beach, Florida 32034

RE PARCEL ID#: 00-00-31-1460-0041-0000
BUYER'S TIN:

*Rev. 10.30
Nov 1994 w
1984, 30*

Doc# 200012389
Book: 929
Pages: 173 - 174
Filed & Recorded
04/19/00 09:28:18 AM
J. M. OXLEY JR
CLERK OF CIRCUIT COURT
NASSAU COUNTY, FLORIDA
DEED DOC STAMP \$ 1,974.00
RECORDING \$ 9.00
TRUST FUND \$ 1.50

QUIT - CLAIM DEED

THIS QUIT - CLAIM DEED is made this 17th day of March, 2000 by Carlos A. Levy and Kathryn M. Levy, his wife and Frank D. Kuitems, hereinafter called Grantor, and whose address is 5209 Leeward Cove, Fernandina Beach, Florida 32034 to FRANK D. KUITEMS, a married person, hereinafter called Grantee and whose address is 5209 Leeward Cove, Fernandina Beach, Florida 32034.

(Wherever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten and NO/100 Dollars and other valuable considerations in hand paid to the Grantor, receipt whereof is hereby acknowledged, does remise, release and quit-claim unto the Grantee, all that certain land situate, lying and being in Nassau County, Florida, viz:

Lot 41, Miramar Beach, Section One, according to the Plat thereof as recorded in Plat Book 2, page 61, Public Records of Nassau County, Florida.

The real property described in this instrument is not the constitutional homestead nor the primary physical residence of the Grantor.

SUBJECT TO taxes accruing subsequent to December 31, 1999.
SUBJECT TO covenants, restrictions and easements of record, if any, however this reference thereto shall not operate to reimpose same.

SUBJECT TO taxes for the current year.

TO HAVE AND TO HOLD the same together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behoof of the Grantee.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Blonda J. Aviles
Witness Signature

Rhonda J. Aviles
Witness Printed Signature

Denise Morgan
Witness Signature

Denise Morgan
Witness Printed Signature

[Signature]
Carlos A. Levy

[Signature]
Kathryn M. Levy

[Signature]
Frank D. Kuitens

STATE OF GEORGIA
COUNTY OF CAMDEN

The foregoing instrument was acknowledged before me this 17th day of March, 2000 by Carlos A. Levy and Kathryn M. Levy, his wife and Frank D. Kuitens. He/She is personally known to me or has produced _____ as identification.

Notary Public, State and County Aforesaid

B. Johnson
Notary Signature

Bernardine Johnson
Notary Printed Signature

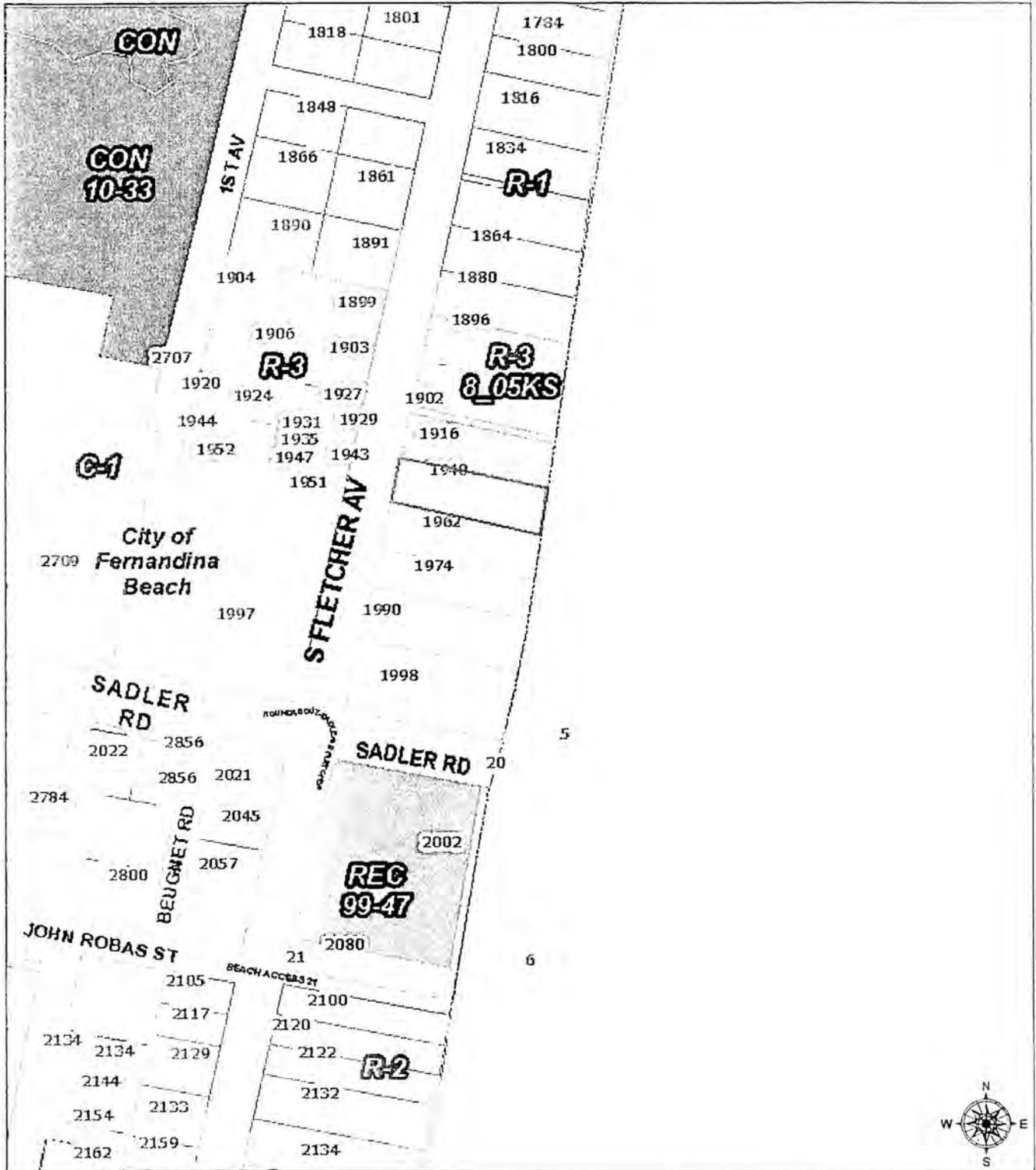
(Title or Rank)

(Serial No., if any)

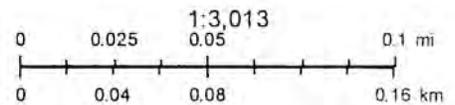


Camden County, Georgia
My Commission Expires Oct. 14, 2003

Zoning Map



June 11, 2016



Land Parcels	R-1	OT-1	PI-1
City of F.B. Zoning	RLM	OT-2	CON
C-1	R-2	W-1	REC
C-2	R-3	IW	
C-3	RE	I-1	
MU-1	R-1G	IA	

Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P. Corp., MRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

1. **Call to Order** - The meeting was called to order at 5:02 pm.

Roll Call/Determination of Quorum

Board Members Present

Judith Lane, Chair
David Beal
Charles Rogers
Eric Lawrence (alternate)

Mark Bennett, Vice-Chair
Jon Lasserre
Chip Ross
Jamie Morrill (alternate)

Board Members Absent

Chris Occhuizzo

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

Member Morrill was seated as a voting member for this meeting due to the absence of Member Occhuizzo.

- 2.1 **Review and Approve June 8, 2016 Regular Meeting Minutes – A motion was made by Member Ross, seconded by Member Lasserre, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

AGENDA CHANGE: Chair Lane requested item 5.1 the Sunshine Law overview be heard first on the agenda.

Sunshine Law Overview – City Attorney Bach briefly explained the Sunshine Law is comprised of two parts (public records act and the open meetings law). She stated anything related to the business of the board or foreseeably would come before the board including email, voicemail, or any type of medium is a public record. She pointed out board members are not to be emailing other board members, but there is an exception if the board member is sending out a memo as long as there is no reply. She explained if there is a reply then both members have violated the Sunshine Law. She referred to open meetings and stated you cannot meet with one other board member and discuss anything that could foreseeably come before the board for a vote. She also explained that a board member that attempts to use an intermediary (a person not on the board) to send a message to another board member and that message gets through then both members are in violation of the Sunshine Law. She clarified that ex parte communications are only valid for quasi-judicial boards. She stated if the board was doing zoning hearings where you act as a quasi-judicial body that would make sense, but that was done at the City Commission level. She explained she would periodically remind staff and board members of the Sunshine Law.

Member Beal noted Mr. Lasserre has three cases before the board tonight. He questioned if he had talked with Mr. Lasserre about one of the cases, since Mr. Lasserre was recusing himself was that ok. City Attorney Bach replied that is not a Sunshine Law violation, because the two members are not going to participate in the same vote. She reminded the board that she was available if they had any questions. There was a brief discussion about the information that board members receive about any upcoming cases, and it was noted that information should be shared with staff to disseminate to the rest of the board.

Member Lasserre recused himself at this time and Member Lawrence was seated as a voting member. City Attorney Bach reminded Member Lasserre to fill out the voting conflict form, which is filed with the City Clerk's office.

3. New Business

3.1. PAB 2016-16 - PHOENIX INVESTMENTS, LLC, JOHN ROBAS STREET & FIRST AVENUE - ZONING MAP AMENDMENT - (PAB 2016-16), REQUEST ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM MEDIUM INTENSITY COMMERCIAL TO HIGH DENSITY RESIDENTIAL

Ms. Gibson pointed out the staff report was part of the public record. She stated PAB 2016-16 was a land use and zoning case for property located at the corner of First Avenue and John Robas (.38 acres of land) to move from General Commercial land use and C-1 zoning to High Density Residential land use and R-3 zoning designation. She explained the property previously requested the same land use and zoning in 2004 with the intent to develop three townhome units. She commented for whatever reason the applicant did not proceed with those changes so the property was back today requesting the same thing. She stated the difference today was there is no special use requirement that would come before the PAB. She explained a multi-family project or townhome style development would come through the City's Technical Review Committee (TRC), receive a local development order, and then be able to move forward. She provided further details from the staff report including that staff's recommendation was approval.

Member Ross referred to Section 12 of the Comprehensive Plan (economic development) and read "protect existing land designation for employment generating uses....." He questioned why the City was taking commercial land and turning it into residential land, which seems to be opposed to this economic development element of the Comprehensive Plan. Ms. Gibson replied it is a private applicant driven text amendment. She stated she found given that the surrounding area is a resort rental type of use that the property can generate jobs and continue to support that area. The board reviewed an aerial of the property in question. It was noted if this had gone through the City Commission for approval in the past and they just didn't develop the property they would have had the land use and zoning tied to the property.

Mr. Jon Lasserre, agent for the applicant, referred to Section 12 and noted it refers to job opportunity areas. He expressed his opinion that it was not applicable in this case. He stated his client's family assembled the property at 1940 South Fletcher and the two vacant parcels south of it over a time period from 1999 until two were sold in 2013. He commented in 2004/2005 his client and the City were engaged in a lawsuit over the lack of ability to develop the oceanfront, and part of the settlement was this parcel could be used as overflow parking for the oceanfront property. He explained the reason Mr. Kuitems stopped going forward on the R-3 application with the City Commission was to maintain Commercial so it could be paved in terms of a parking lot. He stated since the two oceanfront properties were sold in 2013 that was no longer necessary, and now Mr. Kuitems was seeking to return something that is more compatible. Member Morrill inquired if anything has to be done in relation to the legal settlement. Mr. Lasserre replied he was not building on that property, and he believed the selling of the property severed that settlement agreement. Chair Lane inquired about the size of this property. Mr. Lasserre replied .38 acres. It was noted there would be enough room for three units with parking onsite.

Member Ross noted the Nassau County Economic Development Board (NCEDB) has talked about a diversified tax base and they promote having commercial development to diversify the tax base. He stated this was taking commercial land and turning it into residential land. He questioned how this was

promoting a diversified tax base. Mr. Lasserre referred to the surrounding area and the residential development that has already taken place south of it and pointed out the parcel is small for one standalone commercial development. He commented this property has been for sale for the last 15 years as commercial property and it hasn't sold. He explained three residential units appear to more in keeping with the neighborhood than a hotel or a restaurant or a parking lot. There was a brief discussion about the surrounding uses.

The public hearing was opened at this time.

Mr. Ray Anderson, 2162 First Avenue, questioned the implication of non-conforming for those other residences. Ms. Gibson replied they are currently a grandfathered use, which is allowed to continue as long as that use does not lapse for a period greater than 180 days. Chair Lane inquired about when the property is sold. Ms. Gibson replied a property may be sold that is non-conforming and continue to maintain the same non-conforming use status as long as it remains occupied and within that same use. Mr. Anderson inquired if the intent of the development was to be used as vacation rental properties or residences. Ms. Gibson explained there is no requirement per the application process to make any decision about future development. She stated the owner determined after this has been on the market for a period of time under general commercial status and it was not selling so they felt it was in their best interest to convert it to a residential land use to sell the property. She commented short-term rental was permissible under the R-3 zoning. Mr. Anderson expressed his concern that the other residences on South Fletcher have vacation rentals and the neighborhood takes on a different aspect.

Member Beal questioned if the three properties to the south could be bought and operated as a commercial property. Ms. Gibson replied yes as a lodging accommodation. She pointed out there would be aspects if you were to operate as a lodging accommodation that would not be conforming because you would not have a hotel lobby unless it was associated through some other hotel. Member Beal inquired if it could be any other use within C-1. Ms. Gibson replied yes any other use within C-1. There was a brief discussion about this and that if the property was vacated and shut off utilities for greater than 180 days the nonconforming use would no longer be available and the property would have to be used as commercial space.

Ms. Patti Roberts, 2172 First Avenue, commented that over 60% of that end of First Avenue was owner occupied and there are very few long term rentals. She stated the idea of short term rental was like a new party every week, and that is not fun when it is in your neighborhood. She explained during a holiday weekend or a busy time the parking lot behind Dairy Queen is full. She pointed out she didn't have a problem if they were asking for R-1, because then someone would be building a house on that corner. She expressed her concern with R-3 to have short-term rental and traffic in the area.

Mr. Howard Neidig, 2786 Robert Oliver Avenue, explained his daughter lives at 2218 B First Avenue and concurred with the previous speaker. He explained weekly rental seems contrary to the other homes in that area.

Mr. Lasserre pointed out the zoning to the south of this and this property could be used like the Beach Club is over on South Fletcher or create a lodging accommodation. He explained they were talking about three units not a hotel or a condominium complex. He stated his client hasn't identified if he intends to build townhomes or rent them short term or long term. He pointed out the requested density would allow three units, and the property was twice the size of the two townhomes south of it. He commented the question is about the ability to do short-term rentals. He explained the problem with R-1 with one big house is that nobody wants to live next to fire station. He provided further comments in support of the

requested amendment including it was in keeping with good planning to go from commercial to high density residential to medium density residential to single family residential.

Member Lawrence inquired about subdividing the property into three lots and making them R-2. Ms. Gibson stated you have a minimum lot width in R-2 of 50 feet. After some discussion about the idea of subdividing the property, Member Ross briefly expressed his opposition to the request since it was turning commercial land into residential land and he was also opposed to the R-3 density. Member Beal briefly commented he thought it was a good transitional use from the commercial. There was some discussion about step down zoning/transitional zoning.

Mr. Anderson questioned step down zoning and where the character was changing and how that was connected to this request. Mr. Lasserre explained a change was put into effect in 1999 that limited short term rentals to only the R-3 zoning district, and you could only maintain your resort rental permit if you were grandfathered in and you continued with that use. He stated that was the reason you have a myriad of homes along South Fletcher that have the short-term rental ability. He pointed out since then there have been four new hotels built in the last 5+ years, but 10 years ago there weren't five hotels within a half mile of this property. He commented that has created the amount of traffic that is now at Sadler Road and South Fletcher. He briefly explained the change of the businesses in the area (Sliders, Hammerhead, etc.) He referred to step down zoning and stated the highlighted lot was the second application before the board. He briefly explained the idea of stepping down from commercial to the residential zoning. There was further discussion about step down zoning and keeping in mind the existing uses in the area. It was pointed out that R-2 was also a step down from commercial.

Ms. Gibson explained she ran a density calculation on the adjoining properties, and if the townhomes could be changed to R-2. She stated because of their narrow size they just meet the minimum for R-3 zoning standards (4,356 square feet of land area) to support that one unit. She pointed out the City would have to apply high density residential R-3 zoning status to those properties in order to make them conforming. There was further discussion and deliberation about the request before the board.

The public hearing was closed at this time. *A motion was made by Member Ross, seconded by Member Lawrence, to deny PAB 2016-16 to the City Commission requesting a Future Land Use Map (FLUM) assignment to High Density Residential and zoning change to R-3 from General Commercial Use and C-1 as described in PAB 2016-16 as presented is not sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time.* Member Ross inquired if the denial fails then the board would have to come up with a new motion to approve. City Attorney Bach replied correct. *Vote upon passage of the motion was taken by ayes and nays and was as follows:*

<i>Member Rogers:</i>	<i>Nay</i>
<i>Member Beal:</i>	<i>Nay</i>
<i>Member Ross:</i>	<i>Aye</i>
<i>Member Lawrence:</i>	<i>Aye</i>
<i>Member Morrill:</i>	<i>Nay</i>
<i>Member Bennett:</i>	<i>Nay</i>
<i>Chair Lane:</i>	<i>Nay</i>

Motion failed.

A motion was made by Member Morrill, seconded by Member Rogers, to approved PAB 2016-16 to the City Commission requesting a Future Land Use Map assignment of High Density Residential

and zoning change to R-3 from General Commercial Land Use and C-1 as described; and that PAB 2016-16 as presented is sufficiently compliant with applicable Florida Statutes, Comprehensive Plan, and Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Nay
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.2. PAB 2016-17 - FRANK D. KUITEMS, 1940 S. FLETCHER AVENUE - ZONING MAP AMENDMENT - (PAB 2016-17), ZONING MAP AMENDMENT FROM C-1 TO R-3 AND FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL.

Ms. Gibson explained this parcel totals roughly .41 acres and was currently operating as a nonconforming land use. She stated at present it has a long term rental occupied at the property, and it was a duplex. She pointed out the request was the assignment of high density residential land use and R-3 zoning. She commented the intent was to maintain its current nonconforming status and remove that nonconformity. She explained there were no development plans associated with the property. She stated directly across the street and directly north of the property are high density residential zoning and adjacent to it is commercially zoned property that are resort style in nature. She reported upon review of consistency of the request staff recommends approval.

Member Ross inquired when the duplex was built how did it get zoned commercial. Ms. Gibson replied it may have been built prior to the current zoning was in place (1971). She commented through the digitizing of maps this property may have been overlooked and zoned commercial or the City may have wanted to see it be commercially developed. She explained with the development surrounding this property it was logical that an R-3 zoned district would be appropriate for this property.

Mr. Jon Lasserre, agent for the applicant, explained his grandparents purchased this property in 1973 and he grew up here until it was sold in 1999. He stated it was zoned commercial because the City wanted that whole area to go commercial. He concurred with staff and commented this was clearly a prime example of transitional zoning.

Member Ross inquired why the applicant was opposed to keeping it commercial. Mr. Lasserre explained when they bought it they intended to assemble the three lots with 215 feet on the oceanfront to build a hotel. He stated since then they sold two lots for the development of a hotel and were now seeking R-3 for this parcel. He pointed out this has been residential use since 1971 and the intent was to keep it as residential use. Member Beal pointed out that this property could not be assembled with the commercial property to south due to the prohibition of assembling more than 100 feet. He stated this would have to be a standalone commercial site. Mr. Lasserre replied correct and explained that was why the assemblage didn't work.

The public hearing was opened at this time and there being no comments from the floor the public hearing was closed. Member Ross again expressed his opposition to turning commercial property into residential. **A motion was made by Member Beal, seconded by Member Rogers, to recommend approval of PAB 2016-17 to the City Commission requesting a Future Land Use Map assignment of High Density Residential and zoning change to R-3 from General Commercial land use and C-1 zoning as described; and that PAB 2016-17 as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Bennett:	Aye
Member Morrill:	Aye
Member Lawrence:	Aye
Member Ross:	Nay
Member Beal:	Aye
Member Rogers:	Aye
Chair Lane:	Aye

Motion carried.

3.3. PAB 2016-18 - THE ASPIRE AT AMELIA II, LLC, 3017 & 3021 AMELIA ROAD - ZONING MAP AMENDMENT + LAND USE MAP AMENDMENT + VOLUNTARY ANNEXATION - REQUEST FOR VOLUNTARY ANNEXATION INTO THE CITY OF FERNANDINA BEACH, ASSIGNMENT OF A FUTURE LAND USE CATEGORY OF MEDIUM DENSITY RESIDENTIAL (MDR) AND RESIDENTIAL LOW-MEDIUM (RLM) ZONING

Ms. Gibson explained this request was for a voluntary annexation of roughly 7.91 acres of land located at Simmons Road and Amelia Road. She stated the property has two single family homes and pasture land. She pointed out the Nassau County land use and zoning carries an Open Rural designation and RS-2. She explained the request was for Medium Density Residential land use designation with a Residential Low-Medium zoning designation, which was consistent with the surrounding area of that property. She pointed out the property was recently purchased by Aspire at Amelia to be part of a complex of uses that would be an assisted living facility, while the property would be a standard single family subdivision site that will have access to the assisted living facility amenities on the adjacent property. She explained the request was consistent with Comprehensive Plan policies with respect to its public facilities, and was consistent with the Land Development Code. She stated the annexation would not represent an enclave and was a logical extension of the City's boundary.

Member Ross questioned if the current zoning was Open Rural. Ms. Gibson replied a portion of the property is (4.14 acres). Member Ross referred to the total units that could currently be put on that property and explained the answer was one per acre. He questioned how many units would be able to be put here. Ms. Gibson replied a maximum of 65 units. There was some discussion about this request noting the need to annex was to receive City water and sewer. The assisted living facility would be located directly behind it to the west.

Mr. Lasserre, agent for the applicant, introduced Mr. David Hink and Mr. Bruce Jasinsky with Aspire Development. He explained Open Rural allows one per acre, and there was no comparable City zoning. He stated they were going from medium density in the County to medium density in the City. He referred to the zoning of 8 units per acre and noted that was with Medium Density Residential in the City. He pointed out Residential Low-Medium was 6 units per acre. He explained due to the characteristics and

layout of the property the maximum units was in the 30 range given a 50 foot wide lot. He stated this request was standalone to be annexed into the City with appropriate zoning and FLUM designation. He pointed out the intent was to tie together this project with the adjoining C-2 project. He clarified there was no intention to make this the assisted living facility, because it would be single family homes for sale. He briefly provided a comparison with Osprey Village that has single family detached homes. It was noted there weren't many trees on this property, but once annexed the City's Tree Ordinance would apply to the project. The board noted with RS-2 it was about 3 units per acre and there were 3.77 acres under the RS-2 zoning. Member Ross noted 18 units would be allowed under the current County zoning.

Chair Lane inquired if the C-2 property would be owned by the same development. She noted that Osprey Village and those in Jacksonville are owned by the same group. She commented people own their private home, but they buy into that assisted living. Mr. Lasserre deferred to the developer and stated they are related entities with one for sale and one is not. Chair Lane questioned staff if the board would see the platting for the C-2 part. Ms. Gibson replied there is no platting associated with commercial development. Member Lawrence inquired if the single family homes would be sold with restrictive covenants of some type that tie them to the commercial property. Mr. Lasserre stated they would share amenities. There was a brief discussion about this.

The public hearing was opened at this time.

Ms. Marilyn Baggett, 820 Simmons Road, pointed out she also owns a home on Spanish Way. She explained they have an access gate where they can leave the subdivision and go along trail which has many trees. She pointed out on the map where there were entrances for the two single family homes. She expressed her concern with 40 units in this area and the increase to traffic from this area that currently only has two driveways. She stated this area is currently in the County with a lot of trees, and commented that would be a lot of traffic added to a small rural road. She provided further comments expressing her concern with the number of people coming in and out of that area.

Chair Lane inquired about the model for this subdivision. Mr. David Hink replied their model was either age restricted or age targeted. He explained the residents are looking for a broader place in the community and they are looking for the services, which was why they thought these homes would add value over other homes. Member Morrill inquired if there would be any covenants or deed restrictions. Mr. Hink replied absolutely and stated those haven't been put together yet. He explained they would be deed restricted in the type of landscaping, frontage, type of roof, limited character so they match together, etc. He commented it would be like a Homeowners Association (HOA) that has a clubhouse. He explained on the other parcel they are developing a large clubhouse for the members for the independent living participants as well as the assisted living participants. He stated the HOA monthly fee would be for maintenance of the exterior landscape and for privileges to use the dining and other facilities on the main campus.

Member Ross questioned if hypothetically they don't go forward with this project how many units could be placed on this property. Ms. Gibson stated she would give the board an exact figure momentarily and reminded the board Mr. Lasserre pointed out the zoning code restricts through the RLM zoning district to 6 units per acre. Member Ross noted in that area there are single family homes on big lots and questioned how this would fit in with that. Mr. Hink stated their interest was for single family homes in there, which would be supportive of the larger community. Member Ross commented those single family homes would be on much smaller parcels than what is in the neighborhood. Mr. Lasserre explained the Barrington subdivision has 23 lots and was approximately the same size as this property where they were talking about 30 so it was quite comparable. He referred to the surrounding property and stated they are

not departing dramatically from the character of the area. There was further discussion about this request and it was noted that it would annex immediately because it was contiguous to the City and would be under the City's Tree Ordinance and other ordinances. City Attorney Bach briefly explained when a property is annexed you have to assign a City zoning category.

Mr. Lasserre stated they were applying to be annexed and at the same time they were asking for a FLUM designation and zoning. Member Ross requested clarification of the annexation process. Ms. Gibson explained when someone comes to the City with a request to be annexed one of the things the City looks at is to find out if that property is contiguous to the City limits. She stated this property is contiguous so the City was requesting a voluntary annexation, because with them coming into the City now there was no need for an annexation agreement. There was further discussion to clarify the annexation process, and Ms. Gibson explained that with the RLM zoning at 6 units per acre including public rights-of-way you could have up to 52 units total. She pointed out this project would come back before the board for preliminary and final plat. She explained the board would see the streets and the layout of the lots at some point in the future because this will follow a subdivision process. Member Ross inquired if it was R-1 how many units could be built. Ms. Gibson replied 34 units and there was the minimum lot width of 75 feet.

Mr. Michael Waskew, 3105 Aja Court, explained his property abuts this land. He commented this was sticking in a higher density between two lower densities of housing, which makes no sense to him. He stated reading the zoning designation not only does it allow single family houses, but allows townhouses, duplexes, and triplexes. He noted this would allow for great flexibility in developing the property. He referred to Osprey Village and pointed out you can't resell your property except to Osprey Village. He noted that once this property is rezoned it is rezoned. He explained he was pleased to hear single family was proposed, and suggested that it be made 75 foot lots. He commented the neighbors would like to maintain the nature of the existing neighborhood. He pointed out there are wetlands on the commercial parcel directly behind his property, and whatever development is done will create runoff. He expressed his concern about the impact to their retention pond. He provided further comments about the proposed project and expressed his hope that the development understands that the neighbors want the zoning to reflect what they have now.

Mr. Tom Martin 3136 Aja Court, expressed his concern about the traffic because there is already a lot of traffic on Amelia Road. He commented adding another entryway was going to cause even more traffic. He explained he didn't see a big difference if R-1 restricts what can be built and is a 75 foot lot size, because he thought that was in keeping with what his subdivision has. He also expressed his concern about what happens to Barrington's retention pond when there is runoff from 30+ homes.

Member Bennett noted if they build this they would have to have their own retention. Mr. Lasserre stated the developer cannot tie into Barrington's retention pond without their consent. He pointed out there would be onsite retention on this property as well as the commercial property and be designed as to where the water would go if it were to overflow. He explained they were aware of the drainage in the area and it would have to be permitted through the St. Johns River Water Management District (SJRWMD). He stated although Medium Density Residential does allow single, duplex, triplexes, and condominiums the requested zoning, RLM only allows single family. He pointed out single family was the only housing type under RLM. He referred to the concerns about commercial traffic and commented it was not reasonable to take a commercial truck for the assisted living facility down Amelia Road. He stated there would be a major entryway through Amelia Island Parkway. Ms. Gibson explained the staff report points out the requirements for permitting for a subdivision and read a portion into the record. She referred to the questions about the future of Simmons Road and stated she has been working with Nassau County

there was a proposed 10 foot paved multi-use path that would go along Simmons Road connecting the beaches at South Fletcher all the way to Bailey Road. Mr. Lasserre commented his client has been working on that multi-use path as well, and they intend to dedicate 15 feet along Bailey Road to facilitate that path as well as land along Amelia Island Parkway. There was some discussion about the multi-use trail.

Member Ross questioned the choices with the zoning associated with this annexation. City Attorney Bach replied usually the choices are to keep it in line with what the County zoning is. It was noted there was not comparable zoning to Open Rural in the City. Member Ross inquired about the choices. Ms. Gibson replied the most reasonable fit was Medium Density Residential and RLM zoning. Member Ross argued that R-1 is the most comparable to Open Rural.

Ms. Lauree Hemke, 751 Barrington Drive, expressed her concern with the proposed zoning. She stated she didn't see why the zoning cannot be the same as Barrington or comparable. She also expressed her concern that if approved people would build at a higher density and she was concerned with the wetlands as well as the greenery around the property. She stated she didn't have a lot of faith in developers that say they are going to protect the trees. She explained she was also concerned with the roads and the traffic in the area.

Ms. Elsa Mitschele, 3105 Aja Court, pointed out currently there is a creek that runs along the entire proposed area and where she lives. She inquired about what would happen with that creek. She also inquired what they would do to differentiate that neighborhood from Barrington. Mr. Lasserre stated he was familiar with the wetland behind the Barrington subdivision on the Amelia Holdings property, which is in the City. He pointed out wetland property in the City cannot be touched, and would be protected by the City's regulations. He referred to trees and reported they would abide by the Tree Ordinance. He pointed out transitional zoning is important and there are a lot of uses under C-2 so this property would be stepping down the zoning. He clarified it was going from Intensive Commercial to Low to Medium Density to allow the development of this particular site. Chair Lane suggested the developer work with the Tree Conservancy in their planning. There was a brief discussion about this.

Ms. Mary Pitcher, 3116 Amelia Road, pointed out Amelia Road is a very narrow road with no shoulders. She stated she did not have any objection to any of this or the zoning with the exception of any entry or exit onto Amelia Road other than what is currently there. She suggested that the major entrance be off Amelia Island Parkway and no entry or exit onto Amelia Road.

Ms. Melinda Signorella, 3117 Aja Court, explained her house backs up to the retention pond and if there is no type of wall securing the area between their property and Barrington's pond she was concerned about the liability with that pond. She commented senior citizens could stumble out and fall into the pond. She questioned how this would be tying into Amelia Island Parkway, because she didn't want that to back up to her property either. Mr. Lasserre noted the concerns and explained they have to have a secondary access for the project. He pointed out that would be taken care of at the Technical Review Committee level. He stated the only logical entrance for heavy traffic would be from Amelia Island Parkway not from Amelia Road. He explained this was a logical move from C-2 to an area that is developing and growing. He pointed out there are three driveways along Amelia Island Parkway accessing two homes and a farm, and that would be reduced to one. He referred to the liability of the pond and explained each homeowners association would be responsible to be sure they are not negligent in maintenance and securing its border.

Mr. Dwight Ingram, 3135 Aja Court, expressed his concern about traffic congestion at Simmons and Amelia Road as well as over at 14th Street. He also expressed concern about the secondary access to the property onto Amelia Road. Mr. Lasserre explained the previous owner divided the property in this manner and the platting would come back to the board for approval. He pointed out that was not necessarily where the entrance would be.

Member Lawrence commented if this were annexed without consideration of the adjacent property it could be a standalone subdivision so there would be that traffic in and out without the potential of tying into something and a secondary exit. He explained he was starting to see the advantages of this with how it was being put together as a package to help alleviate some of the issues. He pointed out they might want to give the opportunity to people in Barrington to join the club, because it was really the same demographic. He questioned if the project was financially feasible as an R-1 project. Mr. Bruce Jasinsky, 645 Gaines Lane, explained they are trying to create a product where people were more than likely wouldn't be taking children to school every morning and would more than likely dine it at the facility. He stated these people are going to be less mobile than what a typical subdivision would be. He commented a typical R-1 subdivision would create that much more traffic. He referred to the question of financially could you do a few less and stated financially is one issue but another is logistically. He pointed out how many senior facilities do you go to where there are big yards and big houses. He explained they are trying to create a controlled environment with smaller lots and smaller houses, because these people would be stepping down. He commented the preliminary work after all the City codes are put in under the RLM zoning they only get about 30 units. He provided further comments about this concept. There was further discussion about this case noting that with R-1 zoning there could be 34 units. Ms. Gibson briefly outlined the next steps for this annexation request, the assignment of a Future Land Use Map category, and zoning designation that would go before the City Commission as three separate Ordinances. She pointed out the board in the future would see a preliminary plat and final plat associated with the development of the subdivision. She stated this property would be treated as a standalone subdivision regardless of the association/affiliation it will have with the assisted living facility. The board continued its discussion with the applicant with regard to the zoning for this project.

Ms. Gibson provided a brief clarification about the Technical Review Committee (TRC) process which includes various City departments to review the initial site plan, which then would move forward with the process of a preliminary plat. She further explained the process of the project moving forward.

The board took a brief recess at this time.

Chair Lane polled the board about moving the Port Master Plan item to the August. After a brief discussion, *the consensus of the board was to postpone the Port Master Plan discussion item to August.*

Member Ross noted this property is going to be annexed and have some residential designation. He commented it was a matter of whether it was going to be R-1 or RLM.

Mr. Michael Waskew, 3105 Aja Court, commented the residential development part of this would be treated as a separate parcel not connected to the development of the commercial parcel. He noted the separate parcel requires two means of egress not through an adjacent property. He pointed out there would be an access on Amelia Road and one onto Simmons or two onto Amelia Road. He stated the 182 people that live on parcel C would increase the traffic onto Amelia Road. He explained he wasn't opposed to development, but they want to be sure the board hears the neighbors' concerns and address them upfront.

Mr. Lasserre questioned staff if there was anything in the code that would prohibit the second access coming through Amelia Island Parkway if it was a dedicated easement across private property. He referred to the concern of people leaving the assisted living facility to exit onto Amelia Road and explained a gate was intended to prohibit that. Ms. Gibson stated the vehicular section is 4.04.02(c) and read there should be at least two vehicular access points to an improved right-of-way. There was a brief discussion about this and it was noted the TRC has reviewed the preliminary application for the assisted living facility.

The public hearing was closed at this time. **A motion was made by Member Bennett, seconded by Member Morrill, to recommend approval of PAB 2016-18 to the City Commission requesting that a voluntary annexation to the City limits be approved assigning the Medium Density Residential land use and RLM zoning category as described in PAB 2016-18; and as presented is sufficiently compliant with applicable Florida Statutes, the Comprehensive Plan, and the Land Development Code to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Rogers:	Aye
Member Beal:	Aye
Member Ross:	Nay
Member Lawrence:	Aye
Member Morrill:	Aye
Member Bennett:	Aye
Chair Lane:	Aye

Motion carried.

4. Comments by the public – There were no comments from the public at this time.

5. Board Business

5.1. Sunshine Law Overview – This was provided by the City Attorney at beginning of meeting after approval of Minutes.

5.2. Discuss Public Speaking Procedures – City Attorney Bach commented that the board has bylaws, and she couldn't remember if there was a speaker limit. Chair Lane noted in the past the board opened up the speaking and there were times where the board has said it would have to be limited to three minutes. She explained she had no intention of cutting people off. She questioned if the board wanted to handle this on a case by case basis. Member Bennett explained part of the board's job was to hear from the public. He stated he rather leave it on a case by case basis, because sometimes it takes a little longer so that the public understands. Member Beal agreed with case by case. He commented when there is a chamber full the board may have to limit people especially if they start saying the same things over and over. He explained when you are passionate about something to be limited to three minutes and you are the only person in the audience it angers you. Member Lasserre agreed with a case by case basis, and pointed out tonight there were a lot of people and they were respectful. There was some discussion and deliberation about the best way to proceed, and it was noted in the past the board has asked speakers to limit themselves. The board also noted when an item gets so emotional it takes away from it, because people stop looking at the facts.

City Attorney Bach commented in her experience taking a recess will diffuse an issue and it works well when people are emotional. Chair Lane noted people get emotional with change. City Attorney Bach suggested a time set for the hearing or having an end time to the board's meeting. Chair Lane stated she likes the mix of the board discussing things and then hearing from the applicant and questions can be asked about that. Member Lasserre commented he had to appear before Nassau County's Code Enforcement Board three times over the last three months, and they begin their meeting going over the procedure. There was further discussion about having a procedure and Chair Lane requested the board's thoughts be sent to the City Attorney.

5.3. Discuss Port Master Plan and Comprehensive Plan Inconsistencies for OHPA Review (Continued Discussion from June Meeting) – During item 3.3 the board was polled, and *the consensus was to postpone the Port Master Plan discussion item to August.*

Board Agenda Materials - Member Ross referred to the timing of getting the board's agenda materials and explained where he used to live ten days before was a cutoff date. He pointed out for the cases he goes through the material and visit the sites. He questioned if there was a way to get it at least a week ahead of time. Chair Lane pointed out the board used to get material earlier, but staff was inundated with a lot of stuff. Ms. Gibson replied the internal procedure was to get it to the board one week in advance, and over the last four years she has had to push it back to the Friday before so there is at least the weekend to review as well as the days leading up to the meeting. She reminded the board of the special meetings back to back and explained with her becoming ill she was unable to get the information to the board. There was a brief discussion about this and getting materials to the board in an earlier timeframe.

City Attorney Bach pointed out the advertising requirements are ten days before, which is days before an agenda is even posted. She explained if staff was running behind it would appear on the agenda because it has been advertised. She commented if the board felt it was not prepared a motion can be made to postpone until the next meeting. There was further discussion about this and it was noted it was also up to the board members to do independent research to make decisions on facts.

6. Staff Report – Ms. Gibson reported the American Planning Association (APA) has selected the City's Comprehensive Plan to be reviewed for best practices as part of their sustaining places initiative, and for consideration as a pilot program to help with other small towns and communities. She explained she would receive more feedback about that later this year. She pointed out the City has a couple new brochures that an intern worked on (citizen's guide to tree and landscape requirements and bicycle safety).

The next regular Planning Advisory Board Meeting would be July 13th.

7. Adjournment - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:29 pm.

Secretary

Judith Lane, Chair

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Ordinance 2016-31**
Amending Land Development Code Section 9.02.00-9.02.03
Designating City Commission as Local Planning Agency

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **Consideration of Proposed Ordinance 2016-31 at First Reading.**

SYNOPSIS: Pursuant to Section 163.3174, Florida Statutes, the City Commission shall establish a "local planning agency" by Ordinance. The "local planning agency" may be: 1) a local planning commission such as the Planning Advisory Board; 2) the planning department of the City; 3) a countywide planning entity; 4) the City Commission (local governing body); or a mixture of all of the above. Several City Commissioners have expressed concerns regarding potential Sunshine Law violations, the amount of City staff time that is spent on projects assigned by the Planning Advisory Board and recent dissent between members of the Planning Advisory Board.

FISCAL IMPACT: None.

2016/2017 CITY COMMISSION GOALS: Beach Safety Alachua Street
(As approved by Resolution 2016-51) Soccer Field Lighting Stormwater
 Downtown Density Opportunity
 ADA Improvements Departmental
 Consideration

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve the First Reading of proposed Ordinance 2016-31. *DM*

DEPARTMENT DIRECTOR	Submitted by: Tammi E. Bach City Attorney	Date: 8/15/16
CONTROLLER	Approved as to Budget Compliance	Date:
CITY ATTORNEY	Approved as to Form and Legality <i>TEB</i>	Date: 8/15/16
CITY MANAGER	Approved Agenda Item for 08/16/16 <i>DM</i>	Date: 8/15/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

ORDINANCE 2016-31

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING ORDINANCE 2006-14 BY AMENDING THE LAND DEVELOPMENT CODE; AMENDING SECTION 9.02.00, PLANNING ADVISORY BOARD; AMENDING SECTION 9.02.01, ESTABLISHMENT; AMENDING SECTION 9.02.03, ROLES AND RESPONSIBILITIES; AMENDING ALL OTHER RELEVANT SECTIONS OF THE LAND DEVELOPMENT CODE BY REPLACING THE TERM “PLANNING ADVISORY BOARD” WITH “LOCAL PLANNING AGENCY” FOR THE PURPOSE OF DESIGNATING THE CITY COMMISSION AS THE LOCAL PLANNING AGENCY PURSUANT TO FLORIDA LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission wishes to dissolve the Planning Advisory Board established by Ordinance 2006-14 and designate the City Commission as the “local planning agency” pursuant to Section 163.3174, Florida Statutes.

NOW, THEREFORE, THE CITY OF FERNANDINA BEACH HEREBY ORDAINS:

SECTION 1. It is proposed that Section 9.02.00 of the Land Development Code be amended to read as follows:

9.02.00 ~~PLANNING ADVISORY BOARD~~ LOCAL PLANNING AGENCY

SECTION 2. It is proposed that Section 9.02.01 of the Land Development Code be amended to read as follows:

9.02.01 Establishment

There is hereby created a Local Planning Agency, ~~Planning Advisory Board~~, which consists of all five (5) seated City Commissioners with the roles and responsibilities as set forth herein.

SECTION 3. It is proposed that Section 9.02.02 of the Land Development Code be amended to read as follows:

9.02.02 ~~Membership and Terms of Office~~ Non-voting School Board Representative

- A. ~~There shall be seven (7) regular members and two (2) alternate members.~~
- B. ~~Terms shall be staggered such that no more than three (3) terms expire simultaneously.~~
 1. ~~All appointments shall be for the full term of three (3) years.~~
 2. ~~When an alternative member is appointed to fill a vacancy created by the departure of a regular member, the term shall be the remaining unexpired term of the alternate member.~~

- C. ~~Any interested and eligible citizen as provided for in this section may be appointed to the board, but those with experience or interest in the field of planning and zoning or historic preservation shall receive special consideration.~~

~~In addition to the above members,~~ One (1) nonvoting member shall be appointed from the Nassau County School Board. This member shall be the person appointed by the School Board to attend those meetings at which the ~~Planning Advisory Board~~ Local Planning Agency considers rezoning of land or an amendment to the comprehensive plan that, if approved, will increase the residential density on property that is the subject of an application.

SECTION 3. It is proposed that Section 9.02.03 of the Land Development Code be amended to read as follows:

9.02.03 Roles and Responsibilities

The ~~Planning Advisory Board~~ Local Planning Agency shall have the roles and responsibilities described below.

- A. To serve as the Local Planning Agency (LPA), pursuant to Chapter 163.3174, *F.S.* As the LPA, ~~the Planning Advisory Board~~ shall:
1. ~~Be responsible for the preparation of the comprehensive plan or plan amendments; Make recommendations to the City Commission regarding adoption of a comprehensive plan;~~
 2. Monitor and oversee the effectiveness and status of the comprehensive plan, including periodic evaluations as required by the *Florida Statutes*;
 3. ~~Make recommendations to the City Commission regarding amendment of its adopted comprehensive plan; and~~
 4. Carry out such other duties as may be specified in Chapter 163, Part II, *F.S.*
- B. To ~~provide advice and recommendations to the City Commission~~ review issues regarding growth, land use, long-range planning, and redevelopment following disasters.
- C. To hear, and consider ~~and make recommendations to the City Commission~~ regarding applications to:
1. Amend the Zoning Map (also called “rezoning”);
 2. Amend the text of the LDC;
 3. Create a subdivision (preliminary subdivision plats); and
 4. Amend the comprehensive plan.
 5. To hear and decide applications for a site plan for a Planned Unit Development.
- D. In carrying out its duties, the ~~Planning Advisory Board~~ Local Planning Agency may:
1. Establish such committees as may be necessary to gather facts, analyze findings, and make recommendations to the ~~Planning Advisory Board~~ Local Planning Agency as a whole;
 2. Acquire and maintain such information and materials as are necessary for an understanding of past trends, present conditions, and forces at work to cause changes in these conditions;

3. Make or cause to be made any necessary special studies on the location, conditions, and adequacy of facilities in the City; and
4. Periodically evaluate the comprehensive plan and LDC and propose amendments to the City Commission.

SECTION 4. If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 5. The provisions of this ordinance shall take effect immediately upon its final passage and adoption.

ADOPTED this _____ day of _____, 2016.

CITY OF FERNANDINA BEACH

John A. Miller
Commissioner – Mayor

ATTEST:

Caroline Best
City Clerk

APPROVED AS TO FORM & LEGALITY:



Tammi E. Bach
City Attorney



CITY COMMISSION AGENDA ITEM
City of Fernandina Beach

SUBJECT: Ordinance 2016-12
Comprehensive Plan and LDC Text Amendments to modify the definition
of "Net Density"

ITEM TYPE: [X] Ordinance [] Resolution [] Other
[] Proclamation [] Presentation

REQUESTED ACTION: Approve Ordinance 2016-12 at Second Reading.

SYNOPSIS: The applicant is an owner of property located at Lime Street and 14th Street. The applicant's agent, Mr. Richardson, is seeking to purchase this property from the bank in order to assemble the land for commercial and residential (multi-family) uses. The requested action is a change to the City's Comprehensive Plan and Land Development Code modifying the definition of "Net Density." Specifically, the applicant wishes to be able to include wetlands and wetland transitional areas in the overall calculation of "net buildable land area." The applicant argues that the requested changes allow for properties containing these important environmentally sensitive lands to "have more flexibility and creativity to design the site to preserve wetlands."

As consistent with staff's recommendations in 2015 for such modifications, staff has recommended approval of the applicant's request. The Planning Advisory Board issued a 4-3 vote to recommend denial of the applicant's request at its Regular Meeting on May 11, 2016.

This Ordinance was approved at First Reading by the City Commission at its Regular Meeting on June 21, 2016. The Department of Economic Opportunity and other state reviewing agencies provided a complete review of the requested amendments and offered no comment.

FISCAL IMPACT: None

2016/2017 CITY COMMISSION GOALS: [] Beach Safety [] Alachua Street
(As approved by Resolution 2016-51) [] Soccer Field Lighting [] Stormwater
[] Downtown Density [X] Opportunity
[] ADA Improvements [] Departmental
[] Consideration

CITY ATTORNEY COMMENTS: No additional comments.

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission approve proposed Ordinance 2016-12 at Second Reading. DEM

DEPARTMENT DIRECTOR Submitted by: Marshall McCrary, CDD Director Date: 8/2/16
CONTROLLER Approved as to Budget Compliance PHC Date: 8/3/16
CITY ATTORNEY Approved as to Form and Legality TEB Date: 8/3/16
CITY MANAGER Approved Agenda Item for 08/16/16 DEM Date: 8/2/16

COMMISSION ACTION: [] Approved As Recommended [] Disapproved
[] Approved With Modification [] Postponed to Time Certain
[] Other [] Tabled

ORDINANCE 2016-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE COMPREHENSIVE PLAN DEFINITION OF NET DENSITY AND THE LAND DEVELOPMENT CODE, CHAPTER 1 SECTION 1.07.00 REGARDING THE DEFINITION FOR NET DENSITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted a unified Land Development Code on September 5, 2006 which became effective on October 1, 2006; 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, the applicant, First National Bank South, is requesting a modification to the Comprehensive Plan and Land Development Code definition of net density as a measure to encourage and incentivize wetland preservation as consistent with the Comprehensive Plan direction provided in policy 5.08.07; and

WHEREAS, that change would allow for the calculation of density on the land area of wetlands and transitional wetlands on a parcel and allow that density calculation to be applied to uplands on the same property; and

WHEREAS, the Planning Advisory Board (PAB) acting as the designated Local Planning Agency, has reviewed and held a public hearing on May 11, 2016, advertised in a newspaper of local circulation on April 27, 2016, and rendered its final recommendation to deny requested amendments by a 4-3 vote; 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 April 27, 2016 and August 5, 2016; and

WHEREAS, the City received notice of no comments from applicable state reviewing agencies on July 29, 2016.

NOW, THEREFORE, BE IT ORDAINED 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," modifying the definition of net density to strike wetlands and wetland transitional areas from being precluded in the "net buildable land area" calculation to determine net density, are necessary and desirable to properly coordinate growth and development opportunities within the City while preserving wetlands.

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 sufficiency 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 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 amendment may be undertaken, before the amendments become effective.

SECTION 5. This Ordinance shall become effective immediately upon adoption.

ADOPTED this 16th day of August, 2016.

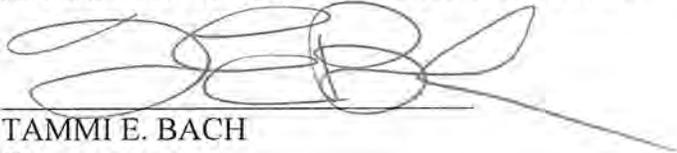
CITY OF FERNANDINA BEACH

JOHN A. MILLER
Mayor - Commissioner

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

CAROLINE BEST
City Clerk



TAMMI E. BACH
City Attorney

Date of First Reading Advertisement (PAB):	April 27, 2016
Date of First Reading and Public Hearing:	June 21, 2016
Date of transmitted as proposed amendments to State Land Planning Agency:	June 29, 2016
Date of Compliance Report Received from State Land Planning Agency:	July 29, 2016
Date of Second Reading Advertisement:	August 5, 2016
Date of Second Reading and Public Hearing:	August 16, 2016
Date of transmitted as adopted amendments to State Land Planning Agency:	

ORDINANCE 2016-12
EXHIBIT “A”

COMPREHENSIVE PLAN:

Acronyms and Definitions

Net Density – Determined by multiplying the “maximum allowable units per acre” by the “net buildable land area” expressed in acreage. “Net buildable land area” means those contiguous land areas under common ownership proposed for residential development, minus undevelopable environmentally sensitive areas, including ~~wetlands, transitional wetlands~~, floodplains and waters of the state. Lots adjoining an existing right-of-way may calculate half of the width of that right-of-way as part of the “net buildable land area” definition. POLICY REFERENCES: 1.07.02 (pg. 1-13), 1.07.10 (pg. 1-16)

LAND DEVELOPMENT CODE:

Section 1.07.00

Net Density – Determined by multiplying the “maximum allowable units per acre” by the “net buildable land area” expressed in acreage. “Net buildable land area” means those contiguous land areas under common ownership proposed for residential development, minus undevelopable environmentally sensitive areas, including ~~wetlands, transitional wetlands~~, floodplains and waters of the state. Lots adjoining an existing right-of-way may calculate half of the width of that right-of-way as part of the “net buildable land area” definition

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

July 29, 2016

The Honorable Edward E. Boner, Mayor
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

Dear Mayor Boner:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for the City of Fernandina Beach (Amendment No. 16-1ESR), which was received on July 1, 2016. We have reviewed the proposed amendment pursuant to the expedited state review process in Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comment related to important state resources and facilities within the Department of Economic Opportunity's authorized scope of review that will be adversely impacted by the amendment if adopted.

The City is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the City. If other reviewing agencies provide comments, we recommend the City consider appropriate changes to the amendment based on those comments. If unresolved, such comments could form the basis for a challenge to the amendment after adoption.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department of Economic Opportunity and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

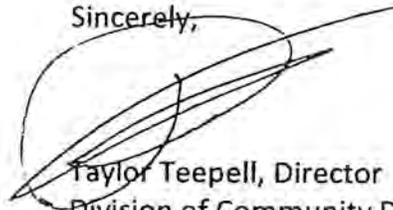
Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

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.

The Honorable Edward E. Boner, Mayor
July 29, 2016
Page 2 of 2

If you have any questions concerning this review, please contact Joseph Addae-Mensa, Planning Analyst, at (850) 717-8476, or by email at joseph.addae-mensa@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Taylor Teepell', written over a circular scribble.

Taylor Teepell, Director
Division of Community Development

TT/jam

Enclosure: Procedures for Adoption

cc: Marshall McCrary, Director, Community Development Department, Fernandina Beach
Margo Moehring, Policy Director, Northeast Florida Regional Council



St. Johns River Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at www.sjrwmd.com.

July 22, 2016

Mr. Marshall McCrary
Community Development Department Director
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

Re: City of Fernandina Beach Proposed Comprehensive Plan Amendment #16-1ESR

Dear Mr. McCrary:

St. Johns River Water Management District (District) staff have reviewed the above-referenced proposed comprehensive plan amendment in accordance with the provisions of Chapter 163, *Florida Statutes*. Based on the review of the submitted materials, District staff have no comments on the proposed amendment.

If you have any questions or need additional information, please contact me at (386) 312-2369 or sfitzgib@sjrwmd.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Fitzgibbons'.

Steve Fitzgibbons, AICP, Intergovernmental Planner
Governmental Affairs Program

cc: Ray Eubanks, Florida Department of Economic Opportunity

GOVERNING BOARD

John A. Miklos, CHAIRMAN
ORLANDO

Fred N. Roberts Jr., VICE CHAIRMAN
ODALA

Chuck Drake, SECRETARY
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Carla Yotter, TREASURER
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Douglas C. Bourmique

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Douglas Burnett

Maryam H. Ghyabi

Ron Howse

**FLORIDA REGIONAL COUNCILS ASSOCIATION
LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENT REVIEW FORM 01**

Regional Planning Council: **Northeast Florida Regional Council**
Regional Planning Council Item No. **Fernandina Beach Transmitted Amendment 16-1ESR**
Date Mailed to Local Government and State Land Planning Agency: **July 8, 2016**
Local Government Item No: **City of Fernandina Beach Ordinance 2016-13**

Pursuant to Section 163.3184, Florida Statutes, Council review of proposed amendments to local government comprehensive plans is limited to adverse effects on regional resources and facilities identified in the strategic regional policy plan and extra-jurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. A written report containing an evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the state land planning agency within 30 calendar days of receipt of the amendment.

DESCRIPTION OF AMENDMENT

This transmittal amendment seeks to make a text amendments to the City of Fernandina Beach's Comprehensive Plan.

1) Change to the definition of "Net Density" in Acronyms and Definitions

Net Density – Determined by multiplying the "maximum allowable units per acre" by the "net buildable land area" expressed in acreage. "Net buildable land area" means those contiguous land areas under common ownership proposed for residential development, minus undevelopable environmentally sensitive areas, including ~~wetlands, transitional wetlands~~, floodplains and waters of the state. Lots adjoining an existing right-of-way may calculate half of the width of the right-of-way as part of the "net buildable land area" definition.

1. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN

Many jurisdictions limit development in wetlands and allow them to be included in calculations related to development potential to be used on uplands. The City of Fernandina Beach previously did not allow wetlands to be included in density calculations related to residential development potential. The subject text amendment will not impact wetlands systems, which are of regional significance, because development is limited in wetlands to the same extent before and after the amendment. It does, however, have the potential to add an unknown amount of additional development potential to the City. City staff has done a detailed review of lands within current City boundaries and finds for several reasons, including a preponderance of wetlands currently in a conservation land use category (which does not allow for density), and the fact that non-residential properties have not had a similar restriction as to not including wetlands in density calculations, that the amendment will result in minimal change. They further believe it will encourage residential developments to cluster in patterns that are more compatible with the health of wetlands. The Strategic Regional Policy Plan supports clustering development to avoid wetlands.

There may be sites containing wetlands where vulnerability to sea level rise or evacuation concerns, for example, indicate that additional residential density is not appropriate regardless of its configuration. Council staff observes that mechanisms that allow for site specific review, such as land use map amendments, or Comprehensive Plan text amendments that allow for density bonuses on resilient sites where development is clustered and developed through a planned unit or other site-specific zoning, have the benefit of allowing the public, adjacent jurisdictions and reviewing agencies to know, and comment upon, how much density will potentially be added to a jurisdiction. The City of Fernandina Beach is encouraged to make use of these approaches as it continues to protect wetlands.

2. EXTRA JURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

No extra-jurisdictional impacts regarding suitability or compatibility of adjacent uses that would be inconsistent with the Comprehensive Plan of an affected local government were identified.

Request a copy of the adopted version of the amendment?

Yes No

Recommendation

Staff respectfully recommends the Northeast Florida Regional Council Executive Committee approve the Council staff report of City of Fernandina Beach Transmitted Amendment 16-1ESR and transmit it to the City of Fernandina Beach.

From: [Marshall, D. McCrary](#)
To: [Kelly Gibson](#)
Subject: FW: Fernandina Beach 16-01ESR (2016-12)
Date: Friday, July 15, 2016 9:35:25 AM

FWC comments on Comp Plan amendment below.

No surprises there!

Marshall McCrary, CDD Director
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3142

CDD: Working Together for a Safer Community

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 exempt by the Public Records Law. If you do not want your e-mail 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: Hight, Jason [mailto:Jason.Hight@MyFWC.com]
Sent: Friday, July 15, 2016 9:07 AM
To: Marshall, D. McCrary
Cc: DCPexternalagencycomments@deo.myflorida.com; Wallace, Traci; Chabre, Jane; Hoehn, Ted
Subject: Fernandina Beach 16-01ESR (2016-12)

Dear Mr. McCrary:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(4)(c), and Chapter 379 Florida Statutes. We have no comments, recommendations, or objections related to fish and wildlife or listed species and their habitat to offer on this amendment.

If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions, please contact Theodore Hoehn at (850) 488-8792 or by email at ted.hoehn@myfwc.com.

Sincerely,

Jason Hight
Biological Administrator II
Office of Conservation Planning Services
Division of Habitat and Species Conservation
620 S. Meridian Street, MS 5B5
Tallahassee, FL 32399-1600
(850) 228-2055

Fernandina Beach 16-01ESR_31246

From: [Suber, Tracy](#)
To: [Kelly Gibson](#)
Cc: [DCPexternalagencycomments](#); [Linda M. Morris](#); [Spiers, Sherry A.](#)
Subject: RE: Expedited State Review: Fernandina Beach Comprehensive Plan Amendment "Definition of Net Density"
Date: Wednesday, June 29, 2016 1:54:28 PM
Attachments: [image002.png](#)
[image003.png](#)

Dear Ms. Gibson –

Thank you for the opportunity to review the city's proposed comprehensive plan amendment. Because the proposed text amendment would revise the definition of net density, it will not have an effect on public school facilities. Therefore, I offer no comment.

Sincerely,
Tracy Suber

Tracy D. Suber
Growth Management and Facilities Policy Liaison
Office of Educational Facilities
325 West Gaines Street, Suite 1014, Tallahassee, Florida 32399-0400
850-245-9312 Office



From: Kelly Gibson [mailto:kgibson@fbfl.org]
Sent: Wednesday, June 29, 2016 1:21 PM
To: Ameera.Sayeed@dot.state.fl.us; plan.review@dep.state.fl.us;
Deena.Woodward@DOS.MyFlorida.com; sfitzgibbons@sjrwmd.com; mmoehring@nefrc.org; Peter King;
Suber, Tracy; Eubanks, Ray (Ray.Eubanks@deo.myflorida.com)
Subject: Expedited State Review: Fernandina Beach Comprehensive Plan Amendment "Definition of Net Density"

Good Afternoon,

A CD is being mailed to you with these documents. For expedience, we wanted to send you a digital copy as well. Please contact myself or Marshall McCrary if you have any questions regarding the transmittal. You should receive the CD within the next day or two.

Proposed Plan Amendment Transmittal Link:

https://www.dropbox.com/s/Ok7na0qquli9ouq/ESR%2016-01_Fernandina%20Beach_CP%20Amendment%20Net%20Density_062916.pdf?dl=0

Sincerely,

OFFICE USE ONLY

REC'D: 4/11/16 BY: [Signature]
PAYMENT: \$ 850.00 TYPE: CPA
APPLICATION #: 2016 0602576
CASE #: PAB 2016 .13
BOARD MEETING DATE: 5/11/16



PLANNING ADVISORY BOARD APPLICATION

- ZONING MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LAND USE MAP AMENDMENT
(≤ 10 acres \$850 / > 10acres \$1,600)
- LDC TEXT AMENDMENT (\$850)
- COMP PLAN AMENDMENT (\$850)
- SUBDIVISION PLAT – PRELIM (\$750)
- SUBDIVISION PLAT – FINAL (\$850)
- VACATION OF R.O.W. (\$850)
- VOLUNTARY ANNEXATION (\$1050)

APPLICANT INFORMATION

Owner Name: First National Bank South

Mailing Address: P.O. Box 2028, Alma GA 31510

Telephone: 904-583-2598 Fax: N/A

Email: zmjohnson@fnbsouth.com

Agent Name: Spurgeon Richardson

Mailing Address: 18 Harrison Creek Road

Telephone: 904-583-2598 Fax: N/A

Email: Spurge@libertydevelopment.com

PROPERTY INFORMATION

Street Address: N/A

Parcel Identification Number(s):

Lot Number: Block Number: Subdivision:

Section: Township: Range:

PROJECT INFORMATION

Total Number of Lots/Parcels: N/A

Less than One (1) acre Sq. Footage: One (1) Acre or Greater:

Existing Zoning Classification:

Existing Future Land Use Classification:

Previous Planning/Zoning Approvals:

Description of Request:

Comprehensive Plan Amendment to modify the definition
of Net Density and allow for residential mult.family
and commercial development on uplands.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

4-11-18
Date

[Signature]
Signature of Applicant

STATE OF FLORIDA }
 ss }
COUNTY OF NASSAU }

Subscribed and sworn to before me this 11 day of April, 2016.

Tricia D Bowen
Notary Public: Signature

Tricia D Bowen
Printed Name

4/12/18
My Commission Expires

Personally Known OR Produced Identification ID Produced:





OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I/WE First National Bank South
(print name of property owner(s))

hereby authorize: Spurgeon Richardson
(print name of agent)

to represent me/us in processing an application for: Comprehensive Plan Amendment
(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]
(Signature of owner)

(Signature of owner)

ZACH JOHNSON
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU }
ss }

Subscribed and sworn to before me this 11 day of April, 2016.



Stephanie Harrell
Notary Public: Signature

STEPHANIE HARRELL
Printed Name

8-24-16
My Commission Expires

Personally Known OR Produced Identification _____ ID Produced: _____

Letter of Intent for Comprehensive Plan Amendment and Definition of Net Density and Modify Policy

The applicant, First National Bank South (the "Applicant"), submits this application for approval of a Comprehensive Plan Amendment. The Applicant is requesting the Comprehensive Plan Amendment in order to develop a mixed use development allowing both commercial and residential multi-family uses.

Given the importance of wetland preservation, the applicant would like to modify the Comprehensive Plan definition of "net density" by allowing for the calculation of density to include wetlands and transitional wetlands and allowing that density to be applied to uplands on the same property. This change would allow the applicant to have more flexibility and creativity to design the site to preserve wetlands.

Net Density would be approved by multiplying the "maximum allowable units per acre" by the "net buildable land area" expressed in acreage. "Net buildable land area" means those contiguous land areas under common ownership proposed for development.

Accordingly, the Applicant respectfully requests that the Application for the Comprehensive Plan Amendment be granted.

Net Density – Determined by multiplying the “maximum allowable units per acre” by the “net buildable land area” expressed in acreage. “Net buildable land area” means those contiguous land areas under common ownership proposed for residential development, minus undevelopable environmentally sensitive areas, including ~~wetlands, transitional wetlands~~, floodplains and waters of the state. Lots adjoining an existing right-of-way may calculate half of the width of that right-of-way as part of the “net buildable land area” definition.



STAFF REPORT
PAB 2016-13
Planning Advisory Board Hearing
May 11, 2016

APPLICATION FOR TEXT AMENDMENT TO CHANGE THE COMPREHENSIVE PLAN & LAND DEVELOPMENT CODE

APPLICATION & SURROUNDING AREA INFORMATION:

OWNER/APPLICANT:	First National Bank South
AGENT:	Spurgeon Richardson
REQUESTED ACTION:	Modify the Comprehensive Plan and Land Development Code Definition of Net Density.

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the City's website, the City Clerk's Office and at the Community Development Department Office. ***

SUMMARY OF REQUEST:

The applicant is an owner of property located at Lime Street and 14th Street. The applicant's agent, Mr. Richardson, is seeking to purchase this property from the bank in order to assemble the land for commercial and residential (multi-family) uses. The requested action is a change to the City's Comprehensive Plan and Land Development Code to modify the definition of "Net Density." Specifically, the applicant wishes to be able to include wetlands and wetland transitional areas in the overall calculation of "net buildable land area." The applicant understands that the requested action is not solely applied to their intended future development; it impacts how density is allocated on all City properties which contain wetlands or wetland transitional areas. The applicant argues that the requested changes allow for properties containing these important environmentally sensitive lands to "have more flexibility and creativity to design the site to preserve wetlands."

BACKGROUND:

In May 2014, the City's Board of Adjustment denied a variance request by First National Bank South to impact wetlands on their property at Lime and S. 14th Streets. First National Bank South subsequently filed a request for a special magistrate hearing pursuant to Florida Statutes 70.51 in June 2014. At the initial magistrate hearing, the parties were at an impasse and were directed to go back to the table and try to come to a solution. The parties were not able to resolve the impasse. After a second hearing in November 2014 where the parties presented their final information, the Special Magistrate issued an Order and Recommendations on December 16, 2014 upholding the position of First National Bank South.

It is the position of the City that the Order and Recommendations did not accurately reflect the nature of quasi-judicial decision-making and did not reflect the correct interpretation of Florida Statutes 373.414(1)(c) at issue in this hearing. The City maintains that allowing a variance to impact wetlands would violate the City's Comprehensive Plan, and that First National Bank South maintains development potential on the uplands portion of their property for approximately 55 dwelling units.

The Special Magistrate's order would not have been legally binding on the City, and the City Commissioners could have accepted, modified, or rejected the order. It was staff's recommendation that in order to uphold the City's Comprehensive Plan, the City Commission should reject the order. The City Commission chose to reject the order and uphold the City's position, emphasizing the protection of wetlands and the City's policies against filling of wetlands.

Prior to and concurrent with this situation, City staff had been working on updates to City wetland policy based on the direction in Policy 5.08.02 to develop categories for wetlands. A substantial amount of staff time had gone into initial drafts; however, after the City Commissioners position on the Magistrate's Order, City staff



**STAFF REPORT
PAB 2016-13
Planning Advisory Board Hearing
May 11, 2016**

wanted further input from the Commission as to whether they wanted to proceed with this strategy of categorizing wetlands. At a workshop for this purpose held on March 18, 2015, the City Commission directed the change to Policy 5.08.02 to remove the requirement to create a categorization system of wetlands and retain the current policies; and at that same workshop, the Commission re-emphasized the importance of wetland preservation to the community.

The action requested by private property owner is not one that is unfamiliar to the current PAB and City Commission. In March 2015, the City Commission directed that staff consider amendments which protect and preserve wetlands while providing a balance for private property rights. Following the meeting, staff sought to change a separate section of the Comprehensive plan (one that directed categorization of wetlands) and included an amended change to the definition of Net Density which would allow for wetlands and wetland transitional areas to be included within the "net buildable land area."

The Planning Advisory Board (PAB) at their May 13, 2015 meeting considered the amendments as proposed by staff and recommended denial of the net density definition changes by a vote of 6 to 1. The City Commission voted 5-0 at 1st reading to accept the change to the definition of net density. This change was submitted to the State reviewing agencies and with no comments returned to the City Commission on October 6, 2015. At 2nd Reading, the change to net density was restored to its existing definition which excludes wetlands and wetland transitional areas from being calculated as part of the "net buildable land area."

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

Comprehensive Plan Objective 5.08 speaks directly to the protection and preservation of wetlands. Policy 5.08.04 restricts public or private development within wetlands with exception of "passive recreation areas, open space, restricted access ways, bird sanctuaries, natural stormwater retention/detention areas, natural preserves, or other similar uses." As a means to balance the rights of private properties in order to encourage the conservation of wetlands, Policy 5.08.07 states that "the City shall consider density bonuses, cluster development, and/or other incentives in appropriate areas." The applicant's requested amendments are consistent with policy 5.08.07.

CONSISTENCY WITH THE LAND DEVELOPMENT CODE (LDC):

The LDC establishes wetland protection strategies through Section 3.03.00. It states requirements that "wetlands shall be preserved in their natural state" and no fill shall be placed in a wetlands, and the wetland shall not be altered." Further, the City requires a 25 foot wetland buffer. The only potentially allowable use of a wetland for a non-water dependent or water related use are those permitted within the Conservation (CON) zoning category. These uses include essential public services, picnic areas, trails, and nature facilities.

The LDC definition of "Net Density" mirrors that definition found within the Comprehensive Plan and would be amended as part of the applicant's request. Additionally, the PAB considered changes to Chapter 3 of the LDC during its regular meeting in April. The revised policy 3.02.04 speaks to "Environmentally Sensitive Lands" and defines "Net Buildable Land Area" to exclude wetland and wetland transitional areas. If this application proceeds, this section of the proposed LDC amendments will also need to be revised.

CONCLUSION:

The requested action upholds the City's wetland preservation and protection requirements by allowing for the calculation of density to include wetlands and transitional wetlands. By allowing density to be applied to uplands on the same property, it protects the wetland areas and results in a conservation based development approach. The requested action would not increase a site's overall density, but would allow property owners with wetlands to have more flexibility and creativity while adhering to the City's wetland preservation requirement. Staff



**STAFF REPORT
PAB 2016-13
Planning Advisory Board Hearing
May 11, 2016**

recommends approval of the applicants request and finds that this approach will encourage environmentally sensitive site design as consistent with Comprehensive Plan policy 5.08.07; it seeks to restore property value lost by the City's prohibition on wetland impacts, and serves to reduce the likelihood of future legal challenges to City wetland regulations.

This proposed change will not impact current density as illustrated on the Future Land Use Map because jurisdictional wetlands are not delineated on the main FLUM as having their density calculations removed. Existing wetlands are generally included under Conservation, which does not have density allocated.

Staff feels it is important to point out that under the current Comp Plan definition, only residentially classified properties see their maximum development potential impacted by the presence of wetlands. While all properties are precluded from impacting wetlands or wetland transition areas, non-residentially zoned properties do NOT have to deduct wetlands from their Floor Area Ratio (i.e., maximum development potential) calculations. Full development potential may be accomplished by clustering on upland portions. A change to allow for density to be viewed in the same manner serves to remove the disparity between residential and non-residential properties throughout the City.

The requested change does not solely impact any individual property, instead it allows for properties throughout the City where wetlands may be contained to utilize the land areas associated with the wetlands as part of their "net density" calculation. The undeveloped and previously un-platted residentially zoned properties containing wetlands within the City are extremely limited and have been specifically depicted for purposes of the PAB and Commission's consideration as part of this requested action. The first several map exhibits provide an overview of properties containing residential density and the potential wetlands map layer. Areas 1 - 4 are zoomed in to show those properties in the City where there is likely to be an impact associated with the changed regulation. The definition of net density further excludes the calculation of property within a floodplain. Each area depicted also shows an associated map with the 2016 preliminary FEMA flood zones and wetlands.

MOTION(S) TO CONSIDER:

I move to recommend (approval or denial) of PAB case number 2016-13 to the City Commission requesting an amendment to the Comprehensive Plan and Land Development Code to modify the definition of "Net Density" by striking wetlands and wetland transitional areas from being excluded as part of the "Net Buildable Land Area", as described and that PAB case 2016-13, as presented, (is or is not) sufficiently compliant with applicable Comprehensive Plan and Land Development Code to be approved at this time.

Submitted by:

A handwritten signature in cursive script, appearing to read "Kelly N. Gibson".

Kelly N. Gibson, AICP
Senior Planner



EXHIBITS

RESIDENTIAL PROPERTIES AND POTENTIAL WETLANDS MAP





STAFF REPORT
PAB 2016-13
Planning Advisory Board Hearing
May 11, 2016





**STAFF REPORT
PAB 2016-13
Planning Advisory Board Hearing
May 11, 2016**

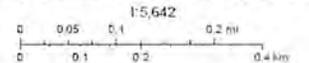
AREA 1: Previously unplatted residential properties containing wetlands



With 2016 Floodplain Layer



- May 9, 2016
- Land Parcels
 - Potential Wetlands
 - Preliminary Flood Zones 2016
 - A.
 - AE.
 - AO.
 - VE.
 - X. 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - W. AREA OF MINIMAL FLOOD HAZARD



Source: Esri, HERE, DeLorme, USGS, Intermap, iPlanet, P Corp., NRCAN, Esri Japan, Swis, Esri China (Hong Kong), Swis, Thailand, Mapbox, © OpenStreetMap contributors, and the GIS User Community

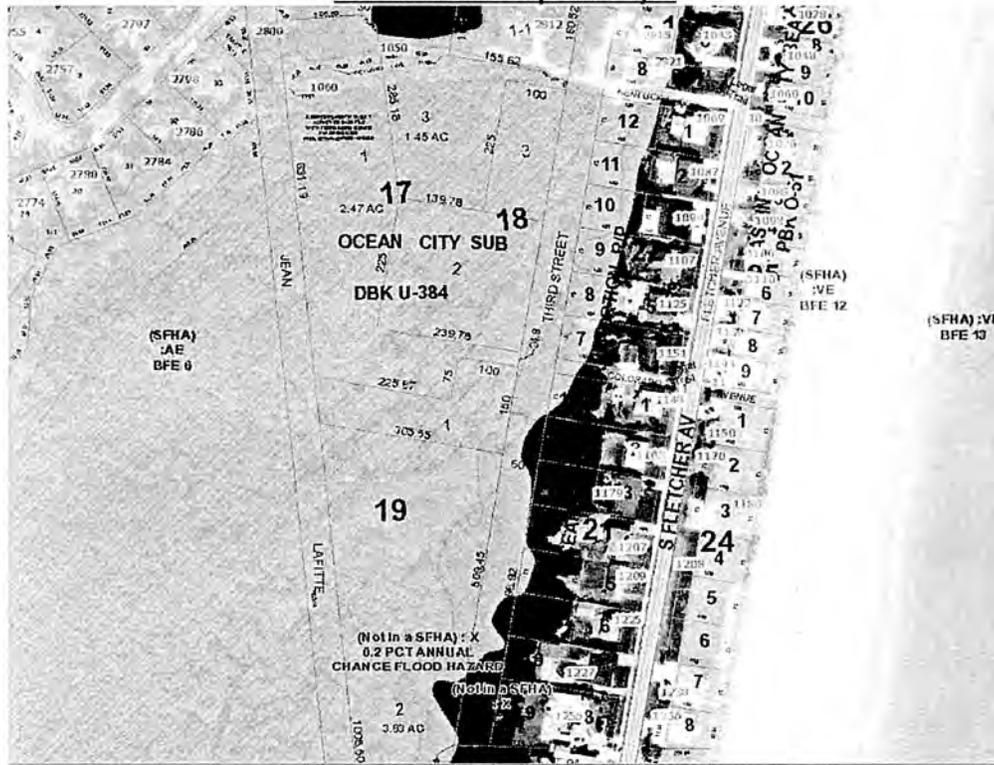


**STAFF REPORT
PAB 2016-13
Planning Advisory Board Hearing
May 11, 2016**

AREA 2: Previously unplatted residential properties containing wetlands



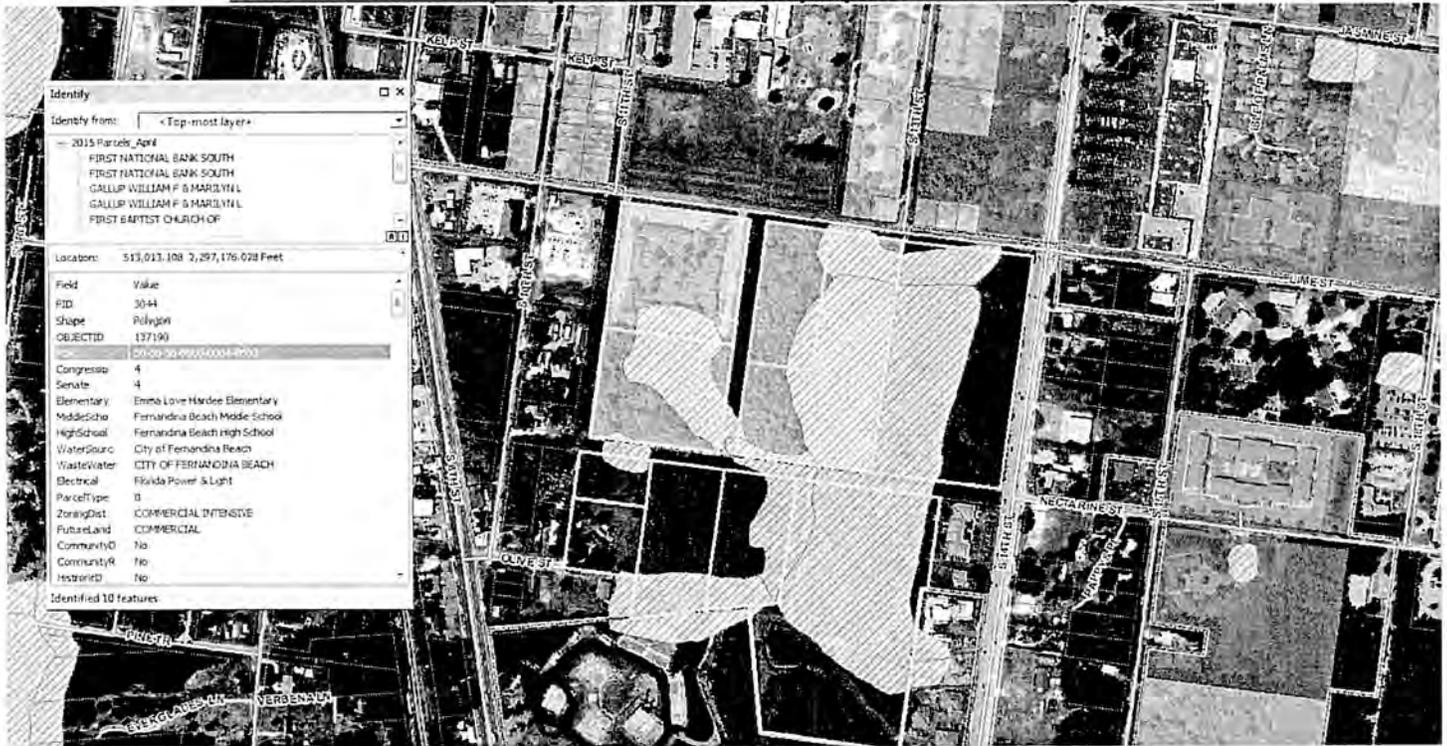
With 2016 Floodplain Layer



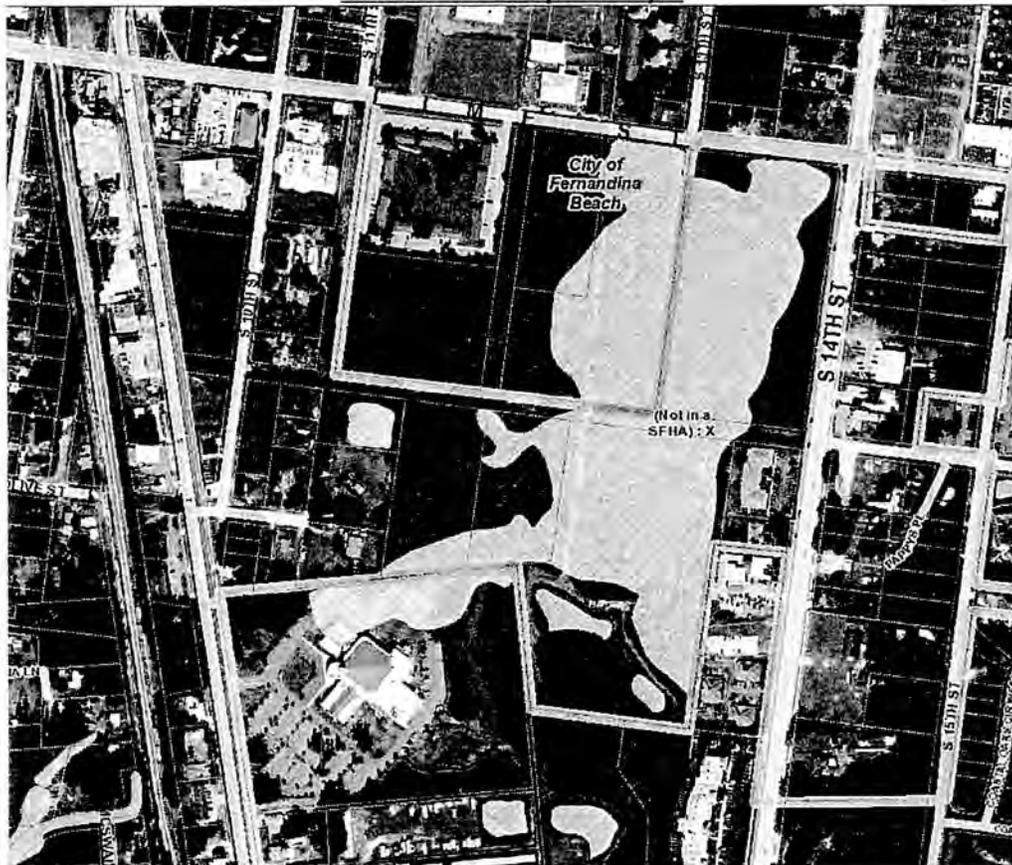


STAFF REPORT
PAB 2016-13
Planning Advisory Board Hearing
May 11, 2016

AREA 4: Previously unplatted residential properties containing wetlands



With 2016 Floodplain Layer



1. **Call to Order** - The meeting was called to order at 5:05 pm.

2. **Roll Call/Determination of Quorum**

Board Members Present

Judith Lane, Chair
Charles Rogers
David Beal
Eric Lawrence (alternate)

Mark Bennett, Vice-Chair
Chris Occhuizzo
Jon Lasserre (was detained)
Jamie Morrill (alternate)

Board Members Absent

Chip Ross

Others Present

Kelly Gibson, City Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary

Member Morrill and Member Lawrence were seated as regular voting members for this meeting due to the absence of Member Lasserre and Member Ross.

2.1 **Review and Approve April 13, 2016 Regular Meeting Minutes** – The Minutes were deferred until the next meeting.

3. **New Business**

3.1. **2016-08: LAND USE AND ZONING CHANGE REQUEST FOR 2100 S. FLETCHER AVENUE FROM MDR/R-2 TO HDR/R-3** – Ms. Gibson reported the applicant is the property owner at 2100 South Fletcher who was requesting to change to high density residential R-3 zoning. She provided a history on resort rentals in the City (weekly rentals) as outlined in the staff report, which are only allowed on R-3 zoned properties. She also pointed out there are properties that are “grandfathered” that are not in R-3 zoned locations that have maintained a valid resort rental dwelling with permit and management license. She stated the applicant was requesting this change to pursue the use as a resort rental, and briefly explained this was the applicant’s only venue to obtain the status and operate as a resort rental. She pointed out the surrounding uses around this property including within the block there are two “grandfathered” resort rental properties (2159 and 2158 South Fletcher). She referred to the Comprehensive Plan and reminded the board that land uses strive to protect the integrity and stability of established residential areas from encroachment of incompatible development. She stated looking at the requested amendment and given the nature of the remaining block the request can be viewed as a logical extension of a new zoning district. She pointed out across the road at Sadler there are commercial properties that are right against R-3 zoned properties. She stated in this case there is not a point of distinction like what exists on the other side of Sadler Road. She explained because of the established nature of the land use and zoning she issued a recommendation of denial of the applicant’s request; however given the fact that there are commercial properties immediately surrounding it and fronting 1st Avenue it would make sense if this entire block on both sides wanted to pursue R-3 zoning rather than taking a piecemeal approach rezoning one lot at a time.

Member Lasserre arrived at this time.

There was a brief discussion about the properties that are “grandfathered” to do resort rental and a comment was made that a few properties that are doing it illegally. Ms. Gibson pointed out the City goes

after where they have found illegal rentals to make sure they understand the regulations. Member Bennett inquired why the City was unable to modify how this particular regulation is applied beyond the current laws. Ms. Gibson replied in doing so that would violate the Florida Statutes, which say the City cannot restrict vacation rentals in any form. Member Bennett noted that doing away with the current regulation would allow resort rentals in all residential zoning. There was some discussion about this, and it was noted this was not spot zoning because it is a transitional zoning category between commercial and R-2.

Member Bennett inquired if going to R-3 increases density. Ms. Gibson replied it increases density for that particular piece of property. Chair Lane noted the applicant mentioned the house next to him, and inquired if that was "grandfathered" in. Ms. Gibson replied it was "grandfathered" for a period of time, and that lapsed in 2013. City Attorney Bach clarified with being "grandfathered" they have to keep up that permit and it cannot lapse more than 180 days otherwise they would lose the grandfathering. Member Beal questioned how many units could be put on that site. It was noted the property was 50 feet wide by 988 feet long, and potentially they could put a duplex on the property.

Chair Lane briefly commented about civility and requested there be no clapping, etc.

Mr. Charles Burns, 2100 South Fletcher Avenue, explained in 2000 the City passed the Resort Rental Ordinance, which didn't have any automatic update or sunset built in. He commented over 16 years things change. He stated in 2011 to encourage tourism the State passed the Statute that Ms. Gibson talked about. He noted years ago there was talk about changing the Resort Rental Ordinance, but the neighborhoods were threatened and the City Commission didn't move forward. He pointed out on the map that his property was the first house south of the Sadler development area and showed on the map the Amelia Beach Club, which is a venue for parties/weddings on the weekends. He briefly commented about changes in the area including the second floor for Sliders and the open deck area for the Hammerhead. He stated there is clearly a market for weekly rentals in this community, and the City Commission just turned down the opportunity to create more hotel locations. He explained we want tourists and we have to put them somewhere. He commented he thought about the idea of changing the whole block, but he was not designing a town from scratch so he decided to ask for this one piece. He stated there is no plan to build anything else, because he just wants a weekly rental certificate. He referred the question about spot zoning and expressed his opinion that this was the tiered zoning that we should have from Commercial to R-3 to R-2.

Member Lawrence questioned if Mr. Burns was selling the property. Mr. Burns explained his family has owned the property since 1972 and last year they put the property on the market. He stated everyone that calls about the property asks if they can do weekly rentals. Member Lawrence inquired if Mr. Burns has found the value of the property has been diminished by not being to provide short-term rental. Mr. Burns stated it hasn't sold so he would just be speculating. There was some discussion about this.

The public hearing was opened at this time.

Mr. Chuck Hall, 315 Calhoun Street, referred to the Coastal Construction Control Line (CCCL) and inquired if that line is near this property. He commented building a new building might be totally mute if that line runs across that property. Ms. Gibson clarified just because the line runs through it doesn't mean you cannot build on it. She stated you would have to go through the Department of Environmental Protection (DEP) for permitting of any structures seaward of the CCCL. She presented an aerial showing where the CCCL falls for this property.

Mr. Steve Simmons, 1822 Highland Drive, stated he was in favor of this zoning and that he was the owner of the property across the street at 2105 South Fletcher. He noted the City has always been conscious of abutting residential property with commercial, and planning staff tries to properly down step zoning into residential areas. He briefly related an example from the past to illustrate how the City was concerned about spot zoning. He commented we have to look where we are with Mr. Burns' property, and this would be a good move to down step the zoning from commercial into a higher density residential. He pointed out he saw that his office had been moved to R-2 and the single-family behind his office was now Commercial, but he hasn't found out how his property was switched back to residential as an active user of Commercial. He expressed his opinion there was some housekeeping that could be done in that area around A Street south of Sadler Road, which would buffer the Commercial from the Residential and be more user friendly.

Mr. Lynn Williams, 1899 South Fletcher, expressed his support of the proposed zoning change. He commented his house was the last R-3 going north from Sadler Road and it goes to R-1 north of his house. He pointed out it wasn't a major change being talked about, and it was a logical step down. He concurred with Mr. Burns that the neighborhood has changed, and expressed his opinion that it would be better to allow short-term rentals to take off the commercial push. He suggested the board support this change.

Chair Lane explained her concern was like that of staff that one property was not going to make much of a buffer. She also questioned where it would stop. Mr. Burns replied he talked to the neighbor two houses down (year round resident) and he was fine with it. He pointed out on the west side of the street it was all rentals. Chair Lane inquired how long it would take to hand this to the rest of the homeowners in that block. Ms. Gibson explained it would take writing letters to the individual property owners to get feedback about their willingness to go to a new zoning and land use category, but it does need to be directed by the City Commission to pursue that effort.

The public hearing was closed at this time. Member Beal inquired how many properties in that area are homesteaded. He stated he thought R-3 was a good transitional use just as it is on the north side of Sadler the way it steps down. There was a review of the properties that were homesteaded in the area. The board had some discussion about this case. A concern was raised about opening a door and whether it would be easier for other properties to do this. Another suggestion was for the City to revisit the resort rental aspect rather than changing the zoning. **A motion was made by Member Morrill, seconded by Member Occhuizzo, to recommend denial of PAB 2016-08 to the City Commission requesting the Future Land Use Map assignment of High Density Residential and Zoning Change to R-3 from Minimum Density Residential Land Use and R-2 Zoning as described; and that PAB 2016-08 as presented is not sufficiently compliant with the applicable Florida Statutes, Comprehensive Plan, and Land Development Code.** After a clarification of the motion on the floor, **vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Occhuizzo:	Aye
Member Rogers:	Nay
Member Beal:	Nay
Member Lasserre:	Nay
Member Morrill:	Aye
Member Bennett:	Aye
Chair Lane:	Aye

Motion carried.

Chair Lane suggested to staff since that area is beginning to change just like other areas of the City that if this was to be pursued to look at the rest of the block rather than one single property. Member Bennett suggested looking at all of Fletcher, because there are a number of people renting weekly that do not have permits. Ms. Gibson commented with that the board was suggesting looking at certain areas, segments, or all of South Fletcher because the City cannot modify the regulations otherwise. She stated South Fletcher could be looked at as a whole going to R-3 or picking and choosing. Member Lawrence suggested the City look at the Resort Rental Ordinance, and briefly related how when he lost the ability to do resort rental on his property he felt that it took value from his property. He expressed his opinion the City should do away with the Resort Rental Ordinance. Chair Lane commented that would put the City up in arms again. There was further discussion about this and it was brought up that this was something that should be studied and that the City should look for mindful development.

Ms. Gibson questioned if the City wanted to remove the restrictions of where you could have resort rental and open it up to all residential zoning would the City be able to regulate and require permits for it. City Attorney Bach replied no. Chair Lane pointed out not all of Fernandina Beach is a resort community, and commented the last time people came out who didn't want rentals in their particular neighborhoods. Ms. Gibson stated a Homeowners Association (HOA) can restrict resort rentals from occurring within its covenants and restrictions. Chair Lane explained there are some areas that are not under a HOA, and those people were really angry. There was further discussion about the current regulations and that the City has some rentals grandfathered in, and if the City were to do away with it the City would be preempted by State law from enacting any new regulations. It was explained that it would be regulated by the Department of Business and Professional Regulations.

Mr. Steve Simmons, 1822 Highland Drive, questioned if Member Lawrence was suggesting doing away with the Ordinance or the resort rentals. Member Lawrence clarified that he thought it was an unjust way of impacting property values by allowing people that were grandfathered in to have this capacity, and others that may not be eligible to rezone to R-3 are impacted. He stated he didn't have a problem with short-term rentals, but the problem was that it was not evenly distributed. Mr. Simmons briefly explained the City had to put a Resort Rental Ordinance on the books in order to be able to properly regulate resort rental not only for the neighborhoods, but for people that were coming down for vacation. He pointed out there are two different agencies that regulate what goes on with the rental property. He expressed his opinion that the City needed to continue to regulate based on the Ordinance the City has. He provided further comments to the board about losing families that visit the island to vacation.

3.2. 2016-13: COMPREHENSIVE PLAN AND LDC TEXT AMENDMENTS TO MODIFY DEFINITION OF NET DENSITY - Ms. Gibson pointed out the application materials and the staff report were available on the website. She explained this was for property at Lime and 14th Street where someone was seeking to purchase the property from a bank in order to assemble land for commercial and residential uses. She stated their requested change was to modify the City's Comprehensive Plan and Land Development Code (LDC) definitions of net density to allow the net buildable land area to include wetlands and wetland transitional areas. She pointed out these areas are currently excluded from the calculations of net buildable land area, and therefore impacts how density is allocated to an individual piece of property. She explained this change would not be specific to an individual piece of property, but rather impacts how wetlands and wetland transitional areas are calculated for all properties containing these features throughout the City. She commented the applicant's request was to have greater flexibility in design in order to preserve more wetlands on the property they are seeking to purchase. She reminded the board in March 2015 staff proposed a change to modify the definition of net density to strike wetlands and wetland transitional areas from the definition of net buildable land area. She explained providing that

to be allowed as calculated as part of net density was to provide a balance for private property rights to utilize those land areas associated with the property in order to comply with the City's restrictions on impacting wetlands. She stated staff still felt this was a valid approach towards providing that balance. She referred to the Comprehensive Plan policy 5.08.07 and commented to her that is the strongest area where the applicant's request is consistent with the current Comprehensive Plan. She stated the LDC establishes a prohibition that no fill shall be placed in wetlands and that wetlands shall not be altered. She pointed out it further requires that a 25 foot buffer be provided around all wetland areas. She reminded the board that last month the PAB considered changes within Chapter 3 of the LDC and there is a reference in the environmentally sensitive land area portion of the new established objective 3.02 that contains the net land area definition and precludes wetlands and wetland transitional areas from being included within it. She stated the requested action upholds the City's preservation and protection requirements of wetlands. She commented modifying this allows it to be consistent with how you treat commercially zoned pieces of property that contain wetlands. She referred to the staff report and pointed out the properties that include wetlands. She explained the current definition of net density precludes any properties within the floodplains from being included as part the net buildable land area. She presented other properties west of First Avenue and provided further clarification that density would be calculated under the current definition excluding the portion that is wetland, which is determined by a survey done by a certified biologist. She also presented an area between Hickory Street and Dade Street to illustrate that even with the proposed change you cannot get that net buildable land area, because there is a floodplain issue. She explained she did an analysis of properties within the City that this regulation would be impacting, and this would not be opening it up to a large number of properties. She pointed out the City doesn't have a tremendous number of properties that are unplatted today residentially zoned and contain wetlands. There was some discussion about the information presented and it was noted that the vacant land area was about 3% of the City and the rest was County.

Ms. Gibson explained that staff was recommending approval of the request.

Member Occhuizzo inquired if this was presented to St. Johns Water Management District and they ruled that mitigation could apply. He noted this property was part City part County. City Attorney Bach replied yes and explained the property owner has a St. Johns Water Management District (SJRWMD) permit to fill the wetlands. Member Occhuizzo stated that Mr. Richardson met with him regarding this. He expressed his concern that this would affect other areas, because wetlands are not plentiful and they need to be preserved. He commented the plan presented to him seemed to preserve as much as could be preserved and avoid the problem of SJWMD mitigation. There was some discussion about the process this property went through with the Special Magistrate and it was noted the City Commission rejected the recommendation and said no filling of the wetland. The SJWMD permit was issued based on acreage and the portion in the City falls under the City's regulations. City Attorney Bach noted the plan was to put the improvements on the uplands if there is a density change to the Comprehensive Plan, and then a tiny bit of wetlands filled. She pointed out the County side was not addressed with regard to the City's regulations. She stated the expert testified that this was a level 6 out of 10 quality wetland (10 is the best quality).

Member Bennett questioned staff about maintaining development potential on the uplands portion of the property for approximately 55 dwelling units, and the conclusion was the requested action would not increase the site's overall density. He questioned this because with the change they could do 224 units. Ms. Gibson explained the way that the Future Land Use Map (FLUM) depicts it does not depict a decrease in density tied to those potential wetland areas. She stated the map itself still shows the residential zoning (low density residential, medium density residential, high density residential, mixed use, central business district). She commented someone looking at that map layer it would appear that

density exists for the parcel as a whole, but when you turn on the wetland layer that has been eliminated at that point. She pointed out this mapping capability is available digitally and is part of the mapping series that is on file with the State as part of the Comprehensive Plan. She explained that density was already allocated to those properties and restricted through the City's policies in terms of wetlands. She referred to the increase and clarified that staff was only analyzing the pieces of property that are in the City's limits under the current zoning. She pointed out the applicant would like to develop both in the City and in the County so together they would be developing the site, which would overall give you a higher number of units. She stated they would like to develop that property in a high density residential manner, but the property in the City is zoned R-2 (Medium Density Residential). She explained moving forward they would also like to have a FLUM amendment and zoning change to R-3 in order to get that total number of units. She commented as part of a water and sewer agreement for the project site they would have to come into the City.

Chair Lane inquired if this would have filled wetlands on the County side with a very high density, but not on the City side and then it's annexed after development. Ms. Gibson explained in order to move forward with development they need a water and sewer agreement. She stated that property is already contiguous to the City boundaries, so it would be an annexation and the assignment of land use and zoning would occur at that time. She pointed out that has to be developed as a full project site altogether not piecemeal. There was further discussion about this case and it was noted that the County's zoning on the property was Commercial. The board also had some discussion about the idea of having a development agreement.

Mr. Spurgeon Richardson, 18 Harrison Creek Road, representing the applicant, explained this is a unique property with 60% in the City and 40% in the County. He provided further details about this property as outlined in his PowerPoint presentation including plans for development of the property. He pointed out they weren't here to develop wetlands, but they were trying to figure out how to define this process. The presentation also included slides depicting the subject property that was medium density residential in the City (8 units per acre) and in the County was commercial. Mr. Richardson then showed the zoning maps for both the City and the County. He reviewed highlights of the order and the recommendation that it goes to SJRWMD. He stated the request was consistent with the Comprehensive Plan and approval would allow for protection of wetlands. He pointed out denial would be the first step of them moving forward in a direction that would not be in the best interest of the City. He explained they were trying to be good stewards of the land and of the City to create a win-win. It was noted that the commercial side of the development was approximately 2 acres (30,000 square foot building with different bays). There was some discussion about the information shown for this proposed amendment.

Mr. Richardson briefly explained one of the plans would allow them to do retention for the site so a pond would not have to be put in. Member Occhuizzo noted there was a choice A and a choice B (top plan and bottom plan). He questioned if the bottom plan was not as preferable because it would create more wetland damage. Mr. Richardson explained they have a district permit to do this, but they haven't done the engineering plans yet. He stated they didn't want to design something and then have to redesign it again. He expressed the opinion that they were zoned and permitted. He pointed out they are ready to move forward, but they need additional density and the piece in the County isn't zoned multi-family. He commented they also want to be good stewards of the land and create a better solution that would work. Member Occhuizzo read a letter into the record from Mr. Ross expressing his opinion that the Comprehensive Plan should not be changed to accommodate a certain project, but should represent a fundamental change that will promote the health, welfare, and safety of our City. The letter also stated it appeared the Comprehensive Plan was being changed to accommodate a certain project, and that the proposed change diminishes wetland protection by increasing the intensity of adjacent activity. The

board had further discussion about the proposed amendment with the applicant. It was noted Mr. Richardson asked Manzie & Drake to do a tree survey.

The public hearing was opened at this time.

Mr. Clinch Kavanaugh, 102 North 6th Street, commented for many years he has been highly critical and warned the City about the wetland Ordinance. He explained he believed it was unconstitutional, and pointed out there is a need to have a rational density ordinance to get this straightened out. He referred to Florida Statute Section 374.414(C)(1)(c) and stated they have a permit from St. Johns who has jurisdiction over this pursuant to Florida law so they could do plan B. He pointed out Mr. Richardson has a better idea and has worked with staff. He reminded the board the Comprehensive Plan says we want to preserve wetlands, and suggested the board work with Mr. Richardson with this unique piece of property that is in multiple jurisdictions. He provided further comments in support of this request that would preserve and enhance these wetlands.

Mr. Steve Simmons, 1822 Highland Drive, noted the concern on this property is the wetlands. He commented that history and research will show that this is a manmade wetland. He referred to the aerial and explained the mosquito control ditch was not put in as an effort to drain this property, but rather it went through the property as an open ditch. He commented it has very little opportunity to run and drain and function as it was designed. He pointed out he was involved with the property for the First Baptist Church, and in his files there was documentation to the County expressing concern of the entrapment of drainage coming into those properties behind the church that were not draining properly under 8th Street to the west. He provided further comments about the entrapment of water in this area, which has caused the wetland. He stated this area is the result of the development on 8th Street and 14th Street, and that the mosquito control ditch has never properly functioned as it should. He commented if Mr. Richardson can maintain and manage the wetlands as well as get in control of the mosquito control ditch to make it properly function it would be plus for the City. He pointed out it would bring in some of the housing the City needs, and expressed his opinion it would be a plus for the City and the wetlands. He provided further comments in support of this request.

Mr. Bob Howat, former PAB member, commented listening to this he thought the board was being mugged, because he thought the applicant was doing a job.

Ms. Margaret Kirkland, 1377 Plantation Point Drive, speaking for the Amelia Tree Conservancy, noted the project was permitted by SJRWMD and questioned if this was true. She commented she was told the City denied the results from the Special Magistrate and that the City was not obligated to do anything. City Attorney Bach replied the City does not agree that Statute preempts the City's wetlands regulations, and they would still have to come to the City to get the building permits. She stated like the bank told the City back then they have a lot of money invested in this property, and it was worth their while to see what a court says about that Statute. Ms. Kirkland inquired if this isn't resolved by the board and the City Commission would this go back to court. City Attorney Bach replied that is what the property owner's representative is telling us. Ms. Kirkland noted there has been a lot of discussion about utilizing the property, and the underlying assumption is that every piece of property must be utilized or developed in some way. She stated this property is functioning as a wetland and it is serving the natural environment. She explained it is not necessary to go in and manipulate every piece of property on the island. She expressed her concern about the statement this won't affect many other properties. She stated the Amelia Tree Conservancy is concerned about changing the Comprehensive Plan in order to deal with one case. She commented more density around wetlands is going to result in damage to the wetlands. She provided

further comments against the proposed amendments, and that the Amelia Tree Conservancy was 100% behind the City in terms of protecting wetlands.

Ms. Julie Ferreira, 501 Date Street, pointed out this wasn't about the plan for this piece of property. She stated the board was deciding the future of Fernandina's wetlands and marshland. She explained the Board of Adjustment (BOA) turned this project down and six months ago the City Commission turned it down. She commented that home rule does rule and the City doesn't have to defer to SJRWMD. She explained the plan is a pretty picture, but it is meaningless because there is absolutely no guarantee that the plan is going to be built. She provided further comments about the request and reminded the board they are making a decision on future City policy. She stated she would like to see the impact of what was in the County that will eventually be annexed, because that is what this decision is affecting. She referred to the requested increase in density and commented her understanding was the density bonuses were created for the waterfront and weren't meant to be applied across the City. Ms. Gibson explained there was not a density bonus program established for this property. She stated the applicants were seeking when they come in for annexation to go to high density residential land use at 10 units an acre. Ms. Ferreira noted this could be viewed as a conservation approach to development, but she questioned what would happen to all the other properties that would be impacted in the future. She urged the board to vote no on this request.

Ms. Ann Occhuzzo, 1585 Canopy Drive, reminded the board to not forget what they are voting on is not a plan to develop a piece of property, but rather a vote to change the Comprehensive Plan. She expressed her opinion that going forward property that is being annexed into the City would be under a different ruling, and it would not be good for the City.

Mr. Lynn Williams, 1899 South Fletcher, member of the BOA, briefly commented about this property that went to the BOA and then the City Commission went against the mediator's ruling. He stated this has gone from a small thing at the BOA where they denied one project, but now it has been broaden so if it goes ahead it would change the wetland Ordinance for the entire City. He explained when the BOA denied the variance it wasn't on a judgement of the Comprehensive Plan, but rather the local development codes. He pointed out the bank was adamant they would get their loan money back, and this was the result of that. He provided additional comments against the proposed amendments.

Ms. Connie Gulespie briefly explained she was looking to buy property here. She commented she had looked at properties in the Arbors, and was interested in the 17 acres behind it that she was told was wetlands and would stay wetlands. She stated when she researched it the County site says vacant residential instead of wasteland. She questioned if the land was in the County could the wetlands be filled in. She pointed out this area backs up to the City and if they build up that area it would flood the area. She commented if you change the whole Comprehensive Plan then there is more acreage involved than just this area.

The public hearing was closed at this time. Member Lawrence was seated as a voting member for this item due to Member Beal recusing himself from the vote. It was noted the proposed amendments change the definitions of net density in both the Land Development Code (LDC) and the Comprehensive Plan. **A motion was made by Member Bennett, seconded by Member Rogers, to recommend denial of PAB 2016-13 to the City Commission requesting an amendment to the Comprehensive Plan and Land Development Code (LDC) to modify the definition of net density by striking wetlands and wetland transitional areas from being excluded as part of the net buildable land area as described; and that PAB 2016-13 as presented is not sufficiently compliant with applicable Comprehensive Plan and**

LDC to be approved at this time. Vote upon passage of the motion was taken by ayes and nays and was as follows:

Member Occhuizzo:	Aye
Member Rogers:	Aye
Member Lasserre:	Nay
Member Lawrence:	Nay
Member Morrill:	Nay
Member Bennett:	Aye
Chair Lane:	Aye

Motion carried.

It was noted this would move forward to the City Commission for first reading on June 21, 2016.

4. Board Business

Subcommittees – Ms. Gibson referred to the tree and landscape committee and commented this committee was stalled due to her being overwhelmed. She stated they wanted to provide the Airport Advisory Commission (AAC) an opportunity to take a look at some of the revisions. She explained the AAC needed an opportunity to take a look at the revised changes to the land use and zoning table specific to an airport industrial zoning category that would only apply to the Airport operational area. She commented after that the board could see that back in July to resolve those questions. She explained it would come in the form of zoning changes as well as changes to the LDC. Chair Lane inquired if Mr. Andrew Holesko had a chance to look at that. Ms. Gibson replied she hadn't forwarded it to him yet, but it would be done before sending it to the AAC.

Ms. Gibson reported there would be a Special Meeting on May 24th at 5:00 pm for 8th Street, and explained a lot of properties in the general area were posted. She also explained she followed up on the Port's response to the request for a meeting, and they would like a specific list of inconsistencies within the Comprehensive Plan that their Port Master Plan is not consistent with prior to meeting with the PAB. She clarified the list would be for the Port Master Plan as well as the document the Port provided to the City, which were the revised Comprehensive Plan amendments. City Attorney Bach inquired when the PAB wanted to work on this as a board. It was noted that it could be done at the June meeting, since there were no cases at this time. There was a brief discussion about this, and it was suggested to make sure the board's response to the Port was in writing.

City Attorney Bach pointed out the Ocean Highway and Port Authority (OHPA) Chair was now Mr. Danny Fullwood. She reported Mr. Davis, Port's attorney, was offended about how it was characterized by Mr. Ross that the Port had violated the law and didn't have proper public notice prior to the hearings. She expressed her opinion Mr. Ross didn't do anything illegal.

Ms. Gibson reported that Ms. Ann Thomas provided her documents that were revised and had been previously provided to the Port. She stated she would put that information on a CD for the board members, because it was a very large document.

Chair Lane briefly commented that some of the PAB members voted against the zoning change to agree with staff that it should be a block rather than an individual. She requested that this be reflected on the

summary when it goes before the City Commission. There was some discussion about this noting some members agreed with the idea of R-3 along the oceanfront and R-2 from South Fletcher to First Avenue.

Member Bennett inquired if an overlay district could be put over Fletcher to say that properties on both side of Fletcher would be allowed to have rentals. City Attorney Bach replied no. It was noted that resort rentals were only allowed in R-3 zoning category. There was further discussion about this and the idea of rezoning particular properties to be R-3. It was noted the PAB wanted to have a discussion about resort rentals looking towards the future. Staff was requested to bring back how many resort rental permits there were in the City.

5. **Staff Report** – There were no additional staff comments at this time.
6. **Comments by the public** – There were no comments from the public at this time.
7. **Adjournment** - There being no further business to come before the Planning Advisory Board, the meeting was adjourned 8:27 pm.

Secretary

Judith Lane, Chair

August 5, 2016
New Header Edition



NOTICE OF PUBLIC HEARING
CITY COMMISSION
CITY OF FERNANDINA BEACH

NOTICE IS HEREBY GIVEN that a Public Hearing is scheduled for **Tuesday, August 16, 2016, at 6:00 PM** in the City Commission Chambers, 204 Ash Street Fernandina Beach, Florida to consider the following application:

ORDINANCE 2016-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AMENDING THE COMPREHENSIVE PLAN DEFINITION OF NET DENSITY AND THE LAND DEVELOPMENT CODE, CHAPTER 1 SECTION 1.07.00 REGARDING THE DEFINITION FOR NET DENSITY; 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.

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Board Appointment**
Airport Advisory Commission

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **Approve Appointment**

SYNOPSIS: In accordance with Resolution 2011-45, Section 1(a); the Airport Advisory Commission shall consist of seven (7) members and one non-voting member.

Board member Mr. Richard Gray submitted his resignation on July 14, 2016, effective immediately from the Airport Advisory Commission for an unexpired portion of a three-year term ending September 2018.

The following citizens have submitted their board application and/or resumes for the City Commission's consideration for appointment: Mr. Paul Behan and Mr. Jim B. Higginbotham.

The applicants are City residents in accordance with Resolution 2011-45, Section 1(b). No additional applicants are on file for this board.

FISCAL IMPACT: N/A

2016/2017 CITY COMMISSION GOALS: (As approved by Resolution 2016-51)
 Beach Safety Alachua Street
 Soccer Field Lighting Stormwater
 Downtown Density Opportunity
 ADA Improvements Departmental
 Consideration

CITY ATTORNEY COMMENTS: N/A

CITY MANAGER RECOMMENDATION(S): I recommend that the City Commission appoint Mr. Paul Behan to an unexpired portion of a three-year term to the Airport Advisory Commission. *DLM*

DEPARTMENT DIRECTOR Submitted by: Caroline Best *C Best.* Date: 7/26/16
City Clerk
CONTROLLER Approved as to Budget Compliance Date:
CITY ATTORNEY Approved as to Form and Legality Date:
CITY MANAGER Approved Agenda Item for 8/16/2016 *DLM* Date: 7/26/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

AIRPORT ADVISORY COMMISSION

AIRPORT ADVISORY COMMISSION				
Meeting: Second Thursday of each month, 6:00 p.m., City Commission Chambers				
Appointment Date	NAME	ADDRESS	TELEPHONE	TERM
09/13	Charles (Chuck) Colcord Cec1155@comcast.net	2139 Captain Kidd Drive	415-6331 (H)	3 yrs-09/2019
09/15	Don Edlin dpedlin@comcast.net	1548 Ruskin Lane	261-4065 (H)	3 yrs-09/2018
01/15	George Haffey geohaf@aol.com	1640 Northpark Drive	(901) 438-0725	3 yrs-09/2018
09/13	Kent McKee kentmckee@bellsouth.net	856 Atlantic View Drive	(770) 287-5606 (C)	3 yrs-09/2019
	<i>Previously held by Richard Gray</i>			3 yrs-09/2018
10/11	*Sam Lane samlane@aol.com	2408 Los Robles Drive	491-6345 (H)	3 yrs-09/2017
09/08	David Dully Dave.dully@bmcjax.com	131 S. 17 th Street	334-2833	3 yrs-09/2017
06/11	Coleen E. Baker c.baker@comcast.net	Ex-Officio Member Non-Voting	625-6242	3 yrs-09/2017
*Chair **Vice Chair				
Staff Coordinator: Robert Kozakoff, Airport Operations Manager City Commission Liaison: Commissioner Kreger NO FINANCIAL DISCLOSURE REQUIRED				

Kim Briley

From: Nicole Bednar
Sent: Thursday, July 14, 2016 1:52 PM
To: Kim Briley
Cc: Dale Martin; Caroline Best
Subject: FW: Airport Advisory Commission

Kim,
Please see below. Do we have any applications on file? If not, please post an AAC vacancy on the website.

Thanks,
Nicole Bednar, CMC
Administrative Services Manager
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3103
www.fbfl.us

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-----Original Message-----

From: Richard Gray [<mailto:grayracing@earthlink.net>]
Sent: Thursday, July 14, 2016 1:02 PM
To: Nicole Bednar; Dale Martin; samlane@aol.com; Robert Kozakoff
Cc: Johnny Miller; Tammi Bach
Subject: Airport Advisory Commission

After much self reflection and consideration, I have come to the conclusion that I must resign my position as a member of the Airport Advisory Commission. Since the passing of my wife in January, I find that I cannot spend the enormous amount of time necessary to do a passable job of properly supporting the City Commission in this volunteer role. Exciting times are ahead for the airport and the full attention of all members of the AAC will be necessary.

I have fully enjoyed my time spent.

Richard Gray

Kim Briley

From: paul behan <paulbehan2@yahoo.com>
Sent: Tuesday, July 26, 2016 9:33 AM
To: Kim Briley
Subject: Re: Airport Advisory Commission
Attachments: FAA determination memo.pdf

Kim,

Please find the attached document from the Federal Aviation Administration's regional counsel, which determines that my employment with the FAA would not create a conflict of interest should I be selected to serve on the City's Airport Advisory Commission. I look forward to attending the meeting on August 16th.

Sincerely,

Paul Behan

From: Kim Briley <kelliott@fbfl.org>
To: "paulbehan2@yahoo.com" <paulbehan2@yahoo.com>
Sent: Monday, July 25, 2016 4:38 PM
Subject: Airport Advisory Commission

Hi Mr. Behan,

Please forward to me any additional information, letters, etc that you would like included with your application for the City Commission's consideration in serving on our Airport Advisory Commission. We are planning to place this on the August 16th agenda. Let me know if you have any questions or concerns.

Thank you again for your willingness to serve.

*Kim Elliott-Briley, MMC
Deputy City Clerk
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Fla. 32034
Phone 904-310-3117
Fax 904-310-3454
www.fbfl.us*

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Memorandum

U.S. Department
of Transportation

**Federal Aviation
Administration**

Subject: Request for Ethics Determination

From: Randy Hyman, Regional Counsel, ASO-7

To: Paul Behan, ATCS, Jacksonville ARTCC

Date: August 5, 2015

You have asked for a determination on whether an activity outside your employment as an Air Traffic Control Specialist at Jacksonville ARTCC might violate the ethics rules that govern all Department of Transportation employees.

Specifically, you are interested in a seat on the Airport Advisory Commission of the City of Fernandina Beach, Florida, a position you would like to occupy as a private citizen (and resident of Fernandina Beach). The position is not a paid position, you would participate on your own time without cost to the Agency, and you (like all appointed members) would serve at the pleasure of the City Council for 3-year terms. You would not apply as nor would you represent yourself on the Commission as an Agency employee or representative. Nor would you use or divulge any information acquired in the course of your Agency employment in your capacity as a member of the Commission.

As you describe it, the Commission serves in an advisory capacity to the Airport Manager and the City Commission. The Commission addresses the development, operation, and betterment of the City of Fernandina Beach's municipal airport. The municipal airport is an uncontrolled airfield, primarily used by small general aviation aircraft. The airport is not served by any air carriers and has no ATC/Agency facilities. The Jacksonville ARTCC ATC facility has any jurisdiction over it.

These rules apply to the situation you describe:

Generally, pursuant to 5 CFR §2635.101(14), "Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts."

Pursuant to 5 CFR §2635.801(c), "Outside employment *and other outside activities of an employee* must also comply with applicable provisions set forth in other subparts of this part and in supplemental agency regulations. These include the principle that an employee shall endeavor to avoid actions creating an appearance of violating any of the ethical standards in this part and the prohibition against use of official position for an employee's private gain or for the private gain of any person with whom he has employment or business relations or is otherwise affiliated in a nongovernmental capacity."

Generally, Agency policy states that employees may engage in outside activities as long as they don't conflict with employee facility or office responsibilities. Employees are obligated to avoid the appearance

of a conflict of interest between their official positions and their off-the-job activities and to refrain from outside activities that might affect the impartiality required to perform their jobs. As to these sections of the ethics rules, the situation you describe does not appear to create a conflict with your Agency obligations.

While we find no conflict, we advise you to keep in mind 5 CFR § 2635.702(b), which states that an employee shall not permit the use of his government position or title or authority in any way that suggests the government endorses the employee's personal activities. As to a seat on the Commission, this means that you could refer to your official title or position only to provide routine biographical details. You are not permitted to communicate to the public that the Agency sponsors or endorses participation on the Commission.

Finally, 5 CFR §2635.703(a) prohibits the improper use of nonpublic information for private interest. Nonpublic information means information gained by reason of federal employment that the employee knows or should know has not been disseminated to the public. You must refrain from using nonpublic information as a member of the Commission

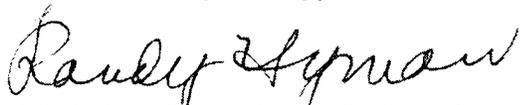
Conclusion

This office has reviewed your written request, dated August 3, 2015, for an ethics determination. Based on the information you provided, it appears that this position would not create a conflict of interest with your Agency duties.

You may appeal this determination in writing, within ten (10) working days of your receipt of this memorandum to:

Associate Counsel For Ethics
Office of the Chief Counsel (AGC-90)
800 Independence Avenue, S.W.
Washington, DC 20591

Please submit copies of appeals to this office.



RANDY ELLIN HYMAN, Regional Counsel
Designated Ethics Counselor

Hyman, Randy (FAA)

From: Paul Behan <zjxsouthrep@gmail.com>
Sent: Monday, August 03, 2015 9:01 PM
To: Hyman, Randy (FAA)
Subject: determination of conflict of interest

Dear Randy,

My name Paul Behan, I am an air traffic control specialist at Jacksonville Center. Recently I applied for a seat on the Airport Advisory Commission of the City of Fernandina Beach, Florida. I am seeking a determination as to whether serving in a civil capacity as a private citizen would be a conflict of interest.

The Airport Advisory Commission of the City of Fernandina Beach serves only in an advisory capacity to the Airport Manager and the City Commission regarding the development, operation, and betterment of the City of Fernandina Beach's municipal airport. The municipal airport is an uncontrolled airfield which is primarily used by small general aviation aircraft. It is not served by any air carriers and has no ATC/FAA facilities, nor does my ATC facility have any jurisdiction over it. It is not a paid position, and all appointed members serve at the pleasure of the City Council for 3 year terms. In no way would I be presenting myself as a representative of the FAA, nor would I use or divulge any information acquired as a result of being employed by the FAA.

Please reply at your earliest convenience as to whether the FAA's office of general council would consider it a conflict of interest if I were to serve on this commission. Thank you.

Sincerely,

Paul R. Behan
ATCS, Jacksonville Center
Cell: (386) 547-6909
zjxsouthrep@gmail.com

Kim Briley

7/13/15 - spoke with Mr. Behan & he is still interested in serving.
7/25/16 - spoke with Mr. Behan and he is interested in serving. All info is correct. KB

From: noreply@civicplus.com
Sent: Friday, March 20, 2015 10:45 PM
To: Caroline Best; Kim Briley
Subject: Online Form Submittal: Advisory Board/Committee Application

If you are having problems viewing this HTML email, click to view a [Text version](#).

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*

Paul R. Behan

Home Mailing Street Address*

1548 Persimmon Circle South

City*

Fernandina Beach

Zip Code*

32034

Primary Phone*

386-547-6909

Please note that board materials are distributed electronically.

Email to receive board materials

paulbehan2@yahoo.com

Employer

Federal Aviation Administration

Position Title

Air Traffic Control Specialist

Business Address

37075 Aviation Lane

City

Hilliard

Zip

32048

Select the board you are applying for:*

Airport Advisory Commission

Additional board that you are applying for:*

Airport Advisory Commission

2015 MAR 23 AM 10:34
CITY CLERK'S OFFICE

Why are you interested in serving on this Board? Please explain.

As a lifelong lover and practitioner of many fields of aviation, I will bring extensive

knowledge and valuable experiences to the Commission to further the vital roles that the Fernandina Beach Municipal Airport plays in our community.

Eligibility

Are you a resident of the City? Length of time:
Yes No 1.75 years

Do you hold a public office?
Yes No

Are you employed by the City?
Yes No

Are you currently serving on a Board?
Yes No

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?

Yes No

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):

Employed by the United States Department of Transportation, Federal Aviation Administration - 9 years Member and Representative of the National Air Traffic Controllers Association (NATCA) - 9 years

Qualifications:

Please list any specific qualifications, education or experience that would directly relate to the Board for which you are being recommended:

Graduate of Embry-Riddle Aeronautical University (Daytona Beach, 2004), B.S. of Aeronautical Science, B.S. of Air Traffic Management. Holder of numerous airman certificates, including Commercial Pilot single & multi-engine, Certified Flight Instructor, Instrument Instructor, Multi-engine Instructor. Also a certified Air Traffic Control Specialist at the Jacksonville Air Route Traffic Control Center.

Educational Background: (Check all that apply)

High School AA BS/A MS/A
J.D. Ph.D.

Major areas of study:

Aeronautica Science, Air Traffic Management.

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

No

By submitting this form, I declare the foregoing facts to be true, correct, and complete.

Date*

03/20/2015

Applicant's Signature *

Paul R. Behan

The following form was submitted via your website: 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: Paul R. Behan

Home Mailing Street Address: 1548 Persimmon Circle South

City: Fernandina Beach

Zip Code: 32034

Primary Phone: 386-547-6909

Please note that board materials are distributed electronically.

:

Email to receive board materials: paulbehan2@yahoo.com

Employer: Federal Aviation Administration

Position Title: Air Traffic Control Specialist

Business Address: 37075 Aviation Lane

City: Hilliard

Zip: 32048

Select the board you are applying for: Airport Advisory Commission

Additional board that you are applying for: Airport Advisory Commission

Why are you interested in serving on this Board? Please explain.: As a lifelong lover and practitioner of many fields of aviation, I will bring extensive knowledge and valuable experiences to the Commission to further the vital roles that the Fernandina Beach Municipal Airport plays in our community.

Eligibility

:

Are you a resident of the City? : Yes

Length of time: 1.75 years

Do you hold a public office? : No

Are you employed by the City?: No

Are you currently serving on a Board?: No

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

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): Employed by the United States Department of Transportation, Federal Aviation Administration - 9 years
Member and Representative of the National Air Traffic Controllers Association (NATCA) - 9 years

Qualifications:

Please list any specific qualifications, education or experience that would directly relate to the Board for which you are being recommended: Graduate of Embry-Riddle Aeronautical University (Daytona Beach, 2004), B.S. of Aeronautical Science, B.S. of Air Traffic Management. Holder of numerous airman certificates, including Commercial Pilot single & multi-engine, Certified Flight Instructor, Instrument Instructor, Multi-engine Instructor. Also a certified Air Traffic Control Specialist at the Jacksonville Air Route Traffic Control Center.

Educational Background: (Check all that apply): BS/A

Major areas of study: Aeronautica Science, Air Traffic Management.

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

By submitting this form, I declare the foregoing facts to be true, correct, and complete.:

Date: 03/20/2015

Applicant's Signature : Paul R. Behan

Additional Information:

Form Submitted on: 3/20/2015 10:44:47 PM

Submitted from IP Address: 66.177.84.17

Referrer Page: <http://www.fbfl.us/FormCenter/Advisory-Board-12/Advisory-BoardCommittee-Application-152>

Form Address: <http://www.fbfl.us/FormCenter/Advisory-Board-12/Advisory-BoardCommittee-Application-152>



City of Fernandina Beach

OFFICE OF THE CITY CLERK

April 9, 2015

Mr. Paul R. Behan
1548 Persimmon Circle South
Fernandina Beach, Florida 32034

Dear Mr. Behan,

On behalf of the City Commission of the City of Fernandina Beach, I wish to extend our sincere appreciation for your interest in serving on the Airport Advisory Commission.

There were many fine candidates and the decision was a difficult one. We have currently filled the position that was available, but hope that you will continue to be interested in serving your community in the future. If we do not hear from you to the contrary, we will continue to keep your resume on file for future board vacancies.

Sincerely,

City of Fernandina Beach

Caroline Best

Caroline Best
City Clerk

mailed 8/11/15



City of Fernandina Beach

OFFICE OF THE CITY CLERK

August 7, 2015

Mr. Paul R. Behan
1548 Persimmon Circle South
Fernandina Beach, Florida 32034

Dear Mr. Behan,

On behalf of the City Commission of the City of Fernandina Beach, please accept our sincere appreciation for your interest in serving on the Airport Advisory Commission.

Because of the quality of board applicants, the decision was extremely difficult. The Commissioners were impressed with your background and experience, but ultimately concluded that another candidate's qualifications more closely match their requirements.

We sincerely regret that you were not appointed at this time. Your resume will be retained in our files to review for future board openings. In the event of an appropriate available board vacancy, we will not hesitate to contact you.

We appreciate your interest and the time invested in applying for the Airport Advisory Commission.

Sincerely,

City of Fernandina Beach

A handwritten signature in cursive script that reads "Caroline Best".

Caroline Best
City Clerk



City of Fernandina Beach
Advisory Board/Committee Application

JUL 25 2016 PM 2:22
CITY OF FERNANDINA BEACH

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
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3115 or cbest@fbfl.org

Nominee Information: (Please type or print) Name Jim B. Hagembothen
Home Mailing Street Address 1802 McArthur St
City Fernandina Bch Zip 32034
Primary Phone 904-321-0766 Secondary Phone 904-556-2226

Please note that board materials are distributed electronically.

Email to receive board materials jimh@...
Employer Retired Position Title
Business Street Address
City Zip

Select the board(s) you are applying for:

Table with 2 columns listing various advisory boards and commissions. 'Airport Advisory Commission' is circled.

Other Helped managed the Airport for city, manager
Why are you interested in serving on this Board? Please explain.

Eligibility

Are you a resident of the City? Yes No Length of time: _____

Do you hold a public office? Yes No Office name: _____

Are you employed by the City? Yes No Position: _____

Are you currently serving on a Board? Yes No Board Name: _____

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? Yes No

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): _____

Qualifications:

Please list any specific qualifications, education or experience that would directly relate to the Board for which you are being recommended: NASSAU CITY COMMISSIONER - 12 YRS

Dir. of Public Works - 25 YRS - City of Fernandina Beach.

Board Dir. for Amelia Park - 3+ YRS (ALL MAINT.)

Organization or Commissioner sponsoring nomination (if applicable): _____

Educational Background: (Check all that apply)

High School AA BS/A MS/A Ph.D. J.D.

Other _____

Major areas of study: _____

Other experience or skills that may be valuable to the Board: 12 YRS Major Road Construction

Managed Airports for City manager 9+ YRS

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.

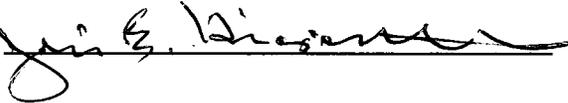
Applications are submitted to the City Commission when vacancies occur and are effective for two years from date of completion.

Do you understand the duties and responsibilities of the Board/Committee that you are applying for?

Yes

No

By submitting this form, I declare the foregoing facts to be true, correct, and complete.

Applicant's Signature  Date _____

CITY COMMISSION AGENDA ITEM
City of Fernandina Beach



SUBJECT: **Discussion**
Property Assessed Clean Energy (PACE)
Energy Efficiency Financing Assessments

ITEM TYPE: Ordinance Resolution Other
 Proclamation Presentation

REQUESTED ACTION: **At the pleasure of the City Commission.**

SYNOPSIS: In July 2016, Mike Antheil with Renovate America made a presentation to the City Commission regarding Property Assessed Clean Energy (PACE) programs that allow property owners to pay for approved energy efficient home improvements projects through a line item assessment on their tax bills. Mr. Antheil is with Renovate America based in San Diego, CA. Renovate America is asking the Fernandina Beach City Commission to become a founding member of the Florida Resiliency and Energy District (FRED) in order to allow Renovate America to enter the Florida market in a public/private partnership with the City of Fernandina Beach (and one other local government entity) to provide funding for energy efficient home improvements. Renovate America needs to partner with cities in Florida to allow for the non-ad valorem tax assessments which provide the funding and security for the improvements. State law only allows local government entities to assess taxes, so Renovate America could not do tax assessments without cities. Information provided by Renovate America is attached to this summary as Exhibit "A".

The City Commission decision options are: 1) Do nothing and reject the PACE program at this time until City staff and Commissioners have a chance to learn more; 2) Direct the City Manager and City Attorney to bring an interlocal agreement and participation payment addendum to the Commission at the September 6, 2016 regular Commission meeting for approval by Resolution; or 3) Do not partner with Renovate America at this time but welcome them and other PACE competitors to do business in Fernandina Beach when they establish their programs with other founding cities.

FISCAL IMPACT: N/A

2016/2017 CITY COMMISSION GOALS:
(As approved by Resolution 2016-51)

<input type="checkbox"/> Beach Safety	<input type="checkbox"/> Alachua Street
<input type="checkbox"/> Soccer Field Lighting	<input type="checkbox"/> Stormwater
<input type="checkbox"/> Downtown Density	<input checked="" type="checkbox"/> Opportunity
<input type="checkbox"/> ADA Improvements	<input type="checkbox"/> Departmental
<input type="checkbox"/> Consideration	

CITY ATTORNEY COMMENTS: See above Synopsis.

CITY MANAGER RECOMMENDATION(S): N/A

DEPARTMENT DIRECTOR	Submitted by: Tammi Bach City Attorney	Date: 8/09/16
CONTROLLER	Approved as to Budget Compliance	Date:
CITY ATTORNEY	Approved as to Form and Legality <i>TEB</i>	Date: 8/09/16
CITY MANAGER	Approved Agenda Item for 8/16/2016 <i>DLM</i>	Date: 8/10/16

COMMISSION ACTION: Approved As Recommended Disapproved
 Approved With Modification Postponed to Time Certain
 Other Tabled

By: _____
_____, its _____

APPROVED AS TO FORM AND
CORRECTNESS

By: _____
_____, Public Agency Attorney

EXHIBIT A

FORM OF PUBLIC HEARING NOTICE FOR RESOLUTION OF INTENT

NOTICE OF INTENT TO USE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS

The Florida Resiliency and Energy District (the "District" or "FRED") hereby provides notice, pursuant to Section 197.3632(3)(a), Florida Statutes, of its intent to use the uniform method of collecting non-ad valorem special assessments to be levied by it over a number of years to fund the cost of qualifying renewable energy, energy efficiency and conservation and wind resistance improvements for those property owners who wish to undertake such improvements within the jurisdictional boundaries of the District as authorized by Sections 163.08 and 197.3632, Florida Statutes, which will allow such assessments to be collected annually, commencing in November 20[16], in the same manner as provided for ad valorem taxes.

The Governing Board of the District will consider the adoption of a resolution electing to use the uniform method of collecting such assessments authorized by Sections 163.08 and 197.3632, Florida Statutes, at a public hearing to be held on [PUBLIC HEARING DATE] at [PUBLIC HEARING TIME], or as soon thereafter as the matter may be heard, in the [STREET ADDRESS OF PUBLIC HEARING LOCATION], Florida. Such resolution will state the need for the levy by the District and will contain a legal description of the boundaries of the District. Copies of the proposed form of resolution may be obtained from [CONTACT AND PHONE NUMBER]. All interested persons are invited to attend.

In the event any person decides to appeal any decision by the Governing Board of the District with respect to any matter relating to the consideration of the resolution at the above-referenced public hearing, a record of the proceeding may be needed and in such an event, such person may need to ensure that a verbatim record of the public hearing is

made, which record includes the testimony and evidence on which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the [ADA CONTACT DEPARTMENT, ADDRESS AND PHONENUMBER] prior to the date of the hearing.

Publication Dates (may vary based on publication frequency):

[once, 28 days prior to the public hearing]

[once, 21 days prior to the public hearing]

[once, 14 days prior to the public hearing]

[once, 7 days prior to the public hearing]

EXHIBIT B

FORM OF RESOLUTION OF INTENT

RESOLUTION NO. _____

A RESOLUTION OF FLORIDA RESILIENCY AND ENERGY DISTRICT ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN ITS JURISDICTIONAL BOUNDARIES; STATING A NEED FOR SUCH LEVY; PROVIDING FOR THE MAILING OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Resiliency and Energy District (“FRED”) is contemplating the imposition of special assessments to fund the cost of qualifying renewable energy, energy efficiency and conservation and wind resistance improvements for those property owners who wish to undertake such improvements within its jurisdictional boundaries as authorized by Sections 197.3632 and 197.3635, Florida Statutes (the “PACE Assessments”); and

WHEREAS, FRED intends to use the uniform method for collecting the PACE Assessments because this method will allow such special assessments to be collected annually commencing in November 20[16], in the same manner as provided for ad valorem taxes; and

WHEREAS, FRED held a duly advertised public hearing prior to the adoption of this Resolution, proof of publication of such hearing being attached hereto as Exhibit A and incorporated herein by reference.

NOW, THEREFORE BE IT RESOLVED:

1. Commencing with the Fiscal Year beginning on October 1, 20[16], and with the tax statement mailed for such Fiscal Year and continuing thereafter until discontinued by FRED, FRED intends to use the uniform method of collecting non-ad valorem assessments authorized in sections 197.3632 and 197.3635, Florida Statutes, as amended, for collecting the PACE Assessments within its jurisdictional boundaries. A legal description of such area subject to the assessment is attached hereto as Exhibit A and incorporated herein by reference.

2. FRED hereby determines that the levy of the PACE Assessments is needed to fund the cost of qualifying renewable energy, energy efficiency and conservation and wind resistance improvements for those property owners who wish to undertake such improvements within its jurisdictional boundaries.

[3. Pursuant to Section 163.08(4), Florida Statutes, the property appraiser(s) and the tax collector(s) serving the area within the jurisdictional boundaries of FRED have agreed that FRED may have until August 15, 20[16] to adopt this Resolution, such agreements being attached hereto as Exhibit B and incorporated herein by reference.]

4. Upon adoption, the Secretary of FRED is hereby directed to send a copy of this Resolution by United States mail to the Florida Department of Revenue, the applicable tax collector, and the applicable property appraiser by [August 15, 20[16]].

5. This Resolution shall be effective upon adoption.

DULY ADOPTED this _____ day of _____, 20[16].

FLORIDA RESILIENCY AND ENERGY DISTRICT

Title:

(SEAL)

ATTEST:

Clerk

EXHIBIT C

FORM OF ANNUAL ASSESSMENT RESOLUTION

[TO COME]

About Renovate America

Renovate America provides the premier energy efficiency financing solution in the country. The company's HERO Program uses the Property Assessed Clean Energy (PACE) model to allow property owners to pay for improvements that reduce energy or water consumption, over time through a line item on their taxes. With over \$1.7 billion in financed improvements, Renovate America is the nationwide market leader.

Florida law (Fl. Statutes §163.08), allows local property owners access to HERO financing without the need for government funding through Renovate America's network of trained, local home improvement contractors and private capital providers. This unique public-private partnership relies on a comprehensive technology platform that offers consumers a seamless experience.

A ROBUST NEW MARKET FOR ENERGY AND WIND HARDENING

The majority of homeowners who choose HERO had a system in their home fail or need replacement or an upgrade. Competitive fixed rate assessments are paid back over five to 20-year terms based on the useful life of the product through a property tax line item. Those terms are often longer than credit cards or home equity lines of credit would allow, bringing monthly payments within reach. And unlike any other form of financing, any remaining balance may be able to transfer to the new buyer when a home is sold.

That access and affordability makes a variety of energy-saving products attractive, including solar panel installations, whole-home heating and cooling (HVAC) systems, energy-saving windows and doors, roofing and insulation. Under Florida law, HERO can also be used to strengthen homes against hurricanes. Improvements that are eligible include reinforced roofs, decks, windows and doors.

UNPARALLELED CONSUMER PROTECTIONS

Renovate America is leading the industry, working with other PACE providers to offer unparalleled consumer protections, including:

- Contractors—most of them locally-owned small businesses—must be bonded, licensed and insured, screened, and certified by the program.
- Installed products must be rated as efficient by the DOE, EPA, or a state or local government agency.
- Prices subject to market value pricing protections.
- Special program protections for property owners over the age of 64.
- Payment to the contractor is withheld until the homeowner signs off that the work is complete.
- Written disclosures are confirmed verbally with the property owner prior to acceptance of financing.

ADDED VALUE

A recent study published in the Journal of Structured Finance (Winter 2016) showed that on average homes with HERO improvements sell at a price premium that can range from \$199 to more than \$8,800. That means energy and water projects recover and often exceed the investment, compared to recent studies showing popular kitchen and bathroom remodels recover only 58 percent to 66 percent of their costs. Homeowners may also benefit immediately from efficiency-oriented improvements through lower utility bills and potential tax benefits.

Florida Resiliency and Energy District (FRED)

WHAT IS FRED?

FRED, upon founding by 2 member local governments, will be a PACE Special District created under Fl. Statutes 163.01(7), which under the FL. PACE Act is allowed to offer PACE financing to localities.

FRED will offer PACE financing in partnership with Renovate America and the Florida Development Finance Corporation ("FDFC"). FDFC is authorized under state law (Chapter 288, Part X) as a special development finance authority and as a state-wide bond financing entity for PACE. Action taken by the FDFC Board and Staff to further the FDFC PACE Program (the "FDFC PACE Program" or "Program") in Florida includes the successful validation of \$2 billion in bonding authority, adoption of a PACE Policy (PACE Procedures are still a work-in-progress) and pre-screening of multiple PACE Providers such as Renovate America, who have a complete turnkey operation and a track record of successful mass adoption of energy efficiency in the housing sector. FDFC staff is supported by an established core PACE Program Team of professionals and set of bond-validated documents.

After creation, FRED will be able to offer financing throughout Florida to localities which execute a membership agreement.

WHY BECOME A FOUNDING MEMBER?

FRED will allow Renovate America's award-winning HERO program to be available to property owners in Fernandina Beach. By being a founding member, Fernandina Beach will:

- Serve on the board of FRED (1 or 2 appointments out of 3 total) with all the powers of a political subdivision of the state.
- FRED provides liability and indemnification protection for Fernandina Beach – no legal or financial exposure to the City or its residents.
- By investing in and directing FRED as a Founding Member, Fernandina Beach will benefit by participating in the growth of FRED statewide. Pursuant to a Participation Agreement, Fernandina Beach will receive a .05% fee tied to the bond issuances of FRED for up to a period of 4 years.
- All start-up, initial, and ongoing operational and administrative costs will be borne by FRED, not Fernandina Beach.

FAQS ABOUT HERO & FRED

What are the interest rates?

Interest rates vary by term, which is in 5 year increments up to 20 years. Our interest rates, which are fixed for each term, range from 6.5% to 8.5% (final rates are TBD in Florida.)

How is PACE financing repaid?

Payments are collected on a property owner's property tax bill. The payments are fixed and fully amortizing, and there is no prepayment penalty.

Will commercial PACE be available to businesses?

FRED will be launching a commercial PACE program with multiple providers, including Renovate America. We expect to work closely with Fernandina Beach on its CPACE needs and requirements.

Does joining FRED preclude other PACE competitors from offering PACE in Fernandina Beach?

No. While FRED will determine its own PACE providers, such as Renovate America, it does not prevent Fernandina Beach from allowing other PACE providers to operate in the City.

About Renovate America

Renovate America provides the premier energy efficiency financing solution in the country. The company's HERO Program uses the Property Assessed Clean Energy (PACE) model to allow property owners to pay for improvements that reduce energy or water consumption, over time through a line item on their taxes. With over \$1.7 billion in financed improvements, Renovate America is the nationwide market leader.

Florida law (Fl. Statutes §163.08), allows local property owners access to HERO financing without the need for government funding through Renovate America's network of trained, local home improvement contractors and private capital providers. This unique public-private partnership relies on a comprehensive technology platform that offers consumers a seamless experience.

A ROBUST NEW MARKET FOR ENERGY AND WIND HARDENING

The majority of homeowners who choose HERO had a system in their home fail or need replacement or an upgrade. Competitive fixed rate assessments are paid back over five to 20-year terms based on the useful life of the product through a property tax line item. Those terms are often longer than credit cards or home equity lines of credit would allow, bringing monthly payments within reach. And unlike any other form of financing, any remaining balance may be able to transfer to the new buyer when a home is sold.

That access and affordability makes a variety of energy-saving products attractive, including solar panel installations, whole-home heating and cooling (HVAC) systems, energy-saving windows and doors, roofing and insulation. Under Florida law, HERO can also be used to strengthen homes against hurricanes. Improvements that are eligible include reinforced roofs, decks, windows and doors.

UNPARALLELED CONSUMER PROTECTIONS

Renovate America is leading the industry, working with other PACE providers to offer unparalleled consumer protections, including:

- Contractors—most of them locally-owned small businesses—must be bonded, licensed and insured, screened, and certified by the program.
- Installed products must be rated as efficient by the DOE, EPA, or a state or local government agency.
- Prices subject to market value pricing protections.
- Special program protections for property owners over the age of 64.
- Payment to the contractor is withheld until the homeowner signs off that the work is complete.
- Written disclosures are confirmed verbally with the property owner prior to acceptance of financing.

ADDED VALUE

A recent study published in the Journal of Structured Finance (Winter 2016) showed that on average homes with HERO improvements sell at a price premium that can range from \$199 to more than \$8,800. That means energy and water projects recover and often exceed the investment, compared to recent studies showing popular kitchen and bathroom remodels recover only 58 percent to 66 percent of their costs. Homeowners may also benefit immediately from efficiency-oriented improvements through lower utility bills and potential tax benefits.

Florida Resiliency and Energy District (FRED)

WHAT IS FRED?

FRED, upon founding by 2 member local governments, will be a PACE Special District created under Fl. Statutes 163.01(7), which under the FL. PACE Act is allowed to offer PACE financing to localities.

FRED will offer PACE financing in partnership with Renovate America and the Florida Development Finance Corporation ("FDFC"). FDFC is authorized under state law (Chapter 288, Part X) as a special development finance authority and as a state-wide bond financing entity for PACE. Action taken by the FDFC Board and Staff to further the FDFC PACE Program (the "FDFC PACE Program" or "Program") in Florida includes the successful validation of \$2 billion in bonding authority, adoption of a PACE Policy (PACE Procedures are still a work-in-progress) and pre-screening of multiple PACE Providers such as Renovate America, who have a complete turnkey operation and a track record of successful mass adoption of energy efficiency in the housing sector. FDFC staff is supported by an established core PACE Program Team of professionals and set of bond-validated documents.

After creation, FRED will be able to offer financing throughout Florida to localities which execute a membership agreement.

WHY BECOME A FOUNDING MEMBER?

FRED will allow Renovate America's award-winning HERO program to be available to property owners in Fernandina Beach. By being a founding member, Fernandina Beach will:

- Serve on the board of FRED (1 or 2 appointments out of 3 total) with all the powers of a political subdivision of the state.
- FRED provides liability and indemnification protection for Fernandina Beach – no legal or financial exposure to the City or its residents.
- By investing in and directing FRED as a Founding Member, Fernandina Beach will benefit by participating in the growth of FRED statewide. Pursuant to a Participation Agreement, Fernandina Beach will receive a .05% fee tied to the bond issuances of FRED for up to a period of 4 years.
- All start-up, initial, and ongoing operational and administrative costs will be borne by FRED, not Fernandina Beach.

FAQS ABOUT HERO & FRED

What are the interest rates?

Interest rates vary by term, which is in 5 year increments up to 20 years. Our interest rates, which are fixed for each term, range from 6.5% to 8.5% (final rates are TBD in Florida.)

How is PACE financing repaid?

Payments are collected on a property owner's property tax bill. The payments are fixed and fully amortizing, and there is no prepayment penalty.

Will commercial PACE be available to businesses?

FRED will be launching a commercial PACE program with multiple providers, including Renovate America. We expect to work closely with Fernandina Beach on its CPACE needs and requirements.

Does joining FRED preclude other PACE competitors from offering PACE in Fernandina Beach?

No. While FRED will determine its own PACE providers, such as Renovate America, it does not prevent Fernandina Beach from allowing other PACE providers to operate in the City.

ADDENDUM TO
INTERLOCAL AGREEMENT RELATING TO THE CREATION
OF THE FLORIDA RESILIENCY AND ENERGY DISTRICT, A
PROPERTY ASSESSED CLEAN ENERGY DISTRICT

1. PARTIES AND DATE.

This Addendum (“Addendum”) to the Interlocal Agreement Relating to the Creation of the Florida Resiliency and Energy District (“FRED”) a Property Assessed Clean Energy District (the “Agreement”) is entered into as of [INSERT DATE], and made by and between the City of [Locality}, Florida (“the City”) and the Florida Development and Finance Corporation (“FDFC”), as Program Sponsor for the FDFC PACE Program. The City and FDFC are sometimes individually referred to as “Party” and collectively as “Parties.”

2. CONSTRUCTION.

Definitions attributable to capitalized terms shall have the meaning given to them in this Addendum, unless no such definition is given, in which case the capitalized term shall have the meaning given to them in the Agreement. Where there is a conflict between this Addendum and the Agreement, the Agreement shall govern.

3. PURPOSE OF ADDENDUM.

The purpose of this Addendum is to clarify the terms of the Agreement between the Parties with regard to the costs of participation and administration of FRED by the City by its status as a founding locality for FRED.

4. FOUNDER’S PARTICIPATION PAYMENT.

4.1. Commencing on the execution date of the Agreement, FDFC, as a Party to the Agreement shall pay to the City a participation payment (the “Participation Payment”) calculated as follows: (i) a participation and administration fee of .05% based on the face value of all Bonds issued under the FDFC PACE Program for residential properties located within FRED as provisioned in subsequent sections.

4.2. Each Participation Payment shall be paid to the City semi-annually from the issuance of Bonds for which such Participation Payment is due by FDFC

4.3 The payment obligations under Section 4.1 above in this Addendum shall continue for a period of four (4) years from the date of the issuance of the first FDFC PACE Bond under the FDFC PACE Program, or until the City is no longer a member of FRED, whichever comes first. In addition, the City agrees to serve as a member of the Board of Directors during the pendency of the Participation Payments.

This document is submitted under claim of confidentiality pursuant to the FL. Statutes as proprietary business practices and as a document reflecting negotiation with legal counsel.

4.4 The City shall have the right to audit FDFC's records to ensure the accuracy of the Participation Payments. FDFC shall keep complete and accurate records relating to the calculation of the Participation Payments, including without limitation, the documentation showing how the Participation Payments are calculated and the data upon which such calculations are based. All such records shall be maintained in accordance with applicable law.

IN WITNESS WHEREOF, the Parties hereby have made and executed this Addendum as of the date first written above.

THE CITY OF [LOCALITY}

FLORIDA DEVELOPMENT
FINANCE CORPORATION

By: _____
Name:
Title: MAYOR

By: _____
Name: WILLIAM F. SPIVEY, JR.
Title: Executive Director

APPROVED AS TO FORM:

By: _____
JOSEPH B. STANTON
Broad and Cassel
Counsel for FDFC

This document is submitted under claim of confidentiality pursuant to the FL. Statutes as proprietary business practices and as a document reflecting negotiation with legal counsel.

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**INTERLOCAL AGREEMENT RELATING TO THE
CREATION OF THE FLORIDA RESILIENCY AND ENERGY
DISTRICT, A PROPERTY ASSESSED CLEAN ENERGY
DISTRICT**

BY AND AMONG

FLORIDA DEVELOPMENT FINANCE

CORPORATION,

[NAME OF LOCALITY], FLORIDA

AND ANY SUBSEQUENT PARTIES HERETO

DATED AS OF _____, 20__

TABLE OF CONTENTS

	Page
SECTION 1.	AUTHORITY FOR INTERLOCAL AGREEMENT 6
SECTION 2.	DEFINITIONS..... 6
SECTION 3.	INTERPRETATION..... 8
SECTION 4.	PURPOSE.....8
SECTION 5:	QUALIFYING IMPROVEMENTS 8
SECTION 6.	ENABLING ORDINANCE OR RESOLUTION 8
SECTION 7.	DISTRICT BOUNDARIES. DISTRICT ADMISSION 9
SECTION 8.	GOVERNING BOARD OF THE DISTRICT 9
SECTION 9.	DECISIONS OF THE BOARD.....10
SECTION 10.	DISTRICT ADMINISTRATION; DISTRICT STAFF AND ATTORNEY; ADMINISTRATORS 11
SECTION 11.	FINANCING AGREEMENT 11
SECTION 12.	POWERS OF THE DISTRICT 12
SECTION 13.	TERM..... 13
SECTION 14.	CONSENT 13
SECTION 15.	NOTICE OF INTENT; IMPOSITION OF ASSESSMENTS; COORDINATION..... 13
SECTION 16.	FEEES AND COSTS. 14
SECTION 17.	FILING..... 15
SECTION 18.	LIMITED LIABILITY 15
SECTION 19.	INDEMNIFICATION..... 16
SECTION 20.	AMENDMENTS 16
SECTION 21.	ASSIGNMENT 16
SECTION 22.	EXECUTION IN COUNTERPARTS 16
SECTION 23.	SEVERABILITY 16
SECTION 24.	APPLICABLE LAW 16
SECTION 25.	JOINT EFFORT..... 16
SECTION 26.	EFFECTIVE DATE..... 17
EXHIBIT A	FORM OF PUBLIC HEARING NOTICE FOR RESOLUTION OF INTENT
EXHIBIT B	FORM OF RESOLUTION OF INTENT
EXHIBIT C	FORM OF ANNUAL ASSESSMENT RESOLUTION

INTERLOCAL AGREEMENT RELATING TO THE CREATION OF THE FLORIDA
RESILIENCY AND ENERGY DISTRICT, A PROPERTY ASSESSED CLEAN ENERGY
DISTRICT

THIS INTERLOCAL AGREEMENT (“Interlocal Agreement”) is made and entered into as of _____, 20____, by and among the government units executing the Interlocal Agreement, each one constituting a public agency or legal entity under Part I, Chapter 163, Florida Statutes, which on the date hereof shall be between Florida Development Finance Corporation, a public body corporate and politic, a public instrumentality and a public agency organized and existing under the laws of the State of Florida (“FDFC”) and [Name of Locality], a municipality and local government of the State of Florida (the “Public Agency” and, together with FDFC, the “Parties”).

WITNESSETH:

WHEREAS, pursuant to Section 163.08, Florida Statutes, as amended (the “Florida PACE Act”), the Florida Legislature found that in order to make qualifying renewable energy, energy efficiency and conservation and wind resistance improvements more affordable and assist real property owners who wish to undertake such improvements, there is a compelling State of Florida (“State”) interest in enabling property owners to voluntarily finance such improvements with local government assistance; and

WHEREAS, under the Florida PACE Act, the Florida Legislature determined that the actions authorized under the Florida PACE Act, including, but not limited to, the financing of qualifying improvements through the execution of financing agreements between property owners and local governments and the resulting imposition of voluntary non-ad valorem assessments are reasonable and necessary to serve and achieve a compelling state interest and are necessary for the prosperity and welfare of the State and its property owners and inhabitants; and

WHEREAS, FDFC has determined that there is a substantial need within the State for a financing program which can provide funds to property owners and inhabitants to enable them to finance qualifying improvements under the Florida PACE Act on a cost-effective basis; and

WHEREAS, the Florida Legislature determined that FDFC has the authority to issue revenue bonds for the purpose of financing said qualifying improvements pursuant to Section 288.9606(7), Florida Statutes; and

WHEREAS, FDFC acts as a special development financing authority that specializes in providing financing support to fund capital projects that support economic development and job creation on a state-wide basis; and

WHEREAS, the Florida PACE Act is an economic development tool that provides

communities with an additional option for financing, stimulates production of qualifying products, promotes competition, seeks to increase property values, lower energy consumption, mitigate wind damage, and create jobs; and

WHEREAS, on December 4, 2015, the FDFC Board of Directors adopted Resolution No. 15-09, as amended and supplemented from time to time (the “Bond Resolution”), authorizing the issuance of revenue bonds (“Bonds”) in order to finance qualifying improvements under the Florida PACE Act, which revenue bonds shall be secured by and payable from the proceeds of voluntary non-ad valorem assessments levied against the real properties that are benefitted by such qualifying improvements (the “Assessments”), all in accordance with the provisions of the Florida PACE Act and other applicable provisions of law and in accordance with FDFC's Property Assessed Clean Energy (“PACE”) Program (the “FDFC PACE Program”); and

WHEREAS, on July 18, 2014, in accordance with Chapter 75, Florida Statutes, the Circuit Court of the Second Judicial Circuit in and for Leon County, Florida issued an Amended Final Judgment validating the issuance of the Bonds by FDFC and on October 15, 2015, the Supreme Court of the State of Florida affirmed such Final Judgment; and

WHEREAS, on December 4, 2015, the FDFC Board of Directors adopted Resolution No. 15-10 setting forth its policies and procedures relating to the FDFC PACE Program; and

WHEREAS, on December 4, 2015, the FDFC Board of Directors adopted Resolution No. 15-11 approving Renovate America, Inc. (“Renovate America”) as its first PACE administrator for the FDFC PACE Program; and

WHEREAS, on _____, 201_, the FDFC Board of Directors adopted Resolution No. ___ - ___ approving the form and authorizing the execution of this Interlocal Agreement; and

WHEREAS, FDFC anticipates adding other PACE providers as PACE residential and commercial administrators to provide a competitive marketplace in Florida for any potential residential and commercial property owners interested in the FDFC PACE Program; and

WHEREAS, [Name of Locality], pursuant to Resolution ___ enacted ___, 2016, approved the form and authorized the execution of this Interlocal Agreement; and

WHEREAS, [Name of Locality], desires to enter into an agreement with FDFC under Section 163.01(7), Florida Statutes, to create a special district that constitutes (1) a separate legal entity within the meaning of Section 163.01, Florida Statutes, also known as the Florida Interlocal Cooperation Act of 1969 (the “Interlocal Act”) and (2) a “local government” within the meaning of the Florida PACE Act and (3) a special district in furtherance of the objectives of the Florida PACE Act and FDFC's PACE Program,

thereby permitting the property owners within the boundaries of [Name of Locality] the ability to utilize the FDFC PACE Program and any FDFC approved PACE provider to finance qualifying improvements through the special district; and

WHEREAS, the imposition of the Assessments against benefited property by a local government, which includes the option of a separate legal entity created pursuant to Section 163.01(7), Florida Statutes, is a prescribed mechanism under the Florida PACE Act for the repayment of revenue bonds issued for such purposes and is an essential vehicle to ensure the financial feasibility of the FDFC PACE Program; and

WHEREAS, to ensure the financial feasibility and security of the FDFC PACE Program, Section 163.08(8) of the Florida PACE Act provides that the lien of the Assessments shall be of equal dignity to county, city and all local government taxes and assessments; and

WHEREAS, the “Interlocal Act” permits FDFC and [Name of Locality], as public agencies under the Interlocal Act, to enter into interlocal agreements with each other to provide for an efficient use of their powers by enabling them to cooperate on a basis of mutual benefit in the best interest of the real property owners within the boundaries of the [Name of Locality]; and

WHEREAS, Section 163.01(7)(a) of Chapter 163, Florida Statute, permits FDFC and the [Name of Locality], as public agencies under the Interlocal Act, to enter into interlocal agreements to create a “separate legal or administrative entity;” and

WHEREAS, Section 163.08, Florida Statutes, provides that a “local government,” which includes a separate legal entity created pursuant to Section 163.01(7), Florida Statutes may finance energy related “qualifying improvements” through voluntary assessments; and

WHEREAS, [Name of Locality] and FDFC agree to create, pursuant to Section 163.01(7), the Florida Resiliency and Energy District (the “District” or “FRED”), a separate legal entity authorized to provide financing pursuant to Section 163.08, Florida Statutes, to serve the residents of the District and potentially other property owners of the state of Florida; and

WHEREAS, under this Interlocal Agreement creating FRED, the parties agree to have Renovate America, as a qualified administrator under the FDFC PACE Program, serve as the administrator for the District and take on all costs and responsibilities for administering and operating the program; and

WHEREAS, the District will utilize the FDFC PACE Program to implement PACE exclusively on behalf of the District; and

WHEREAS, FDFC will utilize its authority under law to provide, authorize, and issue revenue bonds to finance PACE projects within and on behalf of property owners within the District; and

WHEREAS, the [Name of Locality] will immediately benefit from this arrangement because it will be able to access a turnkey FDFC PACE Program which includes \$2,000,000,000.00 in judicially validated bonding authority for PACE financing and a trained PACE program staff; and

WHEREAS, it is the intent of FRED, pursuant to Section 163.08, and at the request of FDFC or its the FDFC approved PACE administrators , to be able to either: (1) add additional jurisdictions upon the mutual agreement of the District, FDFC or (2) direct jurisdictions to FDFC to evaluate the option of joining the FDFC PACE Program; and

NOW THEREFORE, THE PARTIES TO THIS INTERLOCAL AGREEMENT AGREE AS FOLLOWS:

SECTION 1. AUTHORITY FOR INTERLOCAL AGREEMENT. This Interlocal Agreement is adopted pursuant to the provisions of the Interlocal Act, the Florida PACE Act, and other applicable provisions of law. At all times prior to and during the term of this Interlocal Agreement, FDFC and [Name of Locality] constitute “public agencies” as that term is defined in the Florida PACE Act and the Interlocal Act and FRED constitutes a “local government” as that term is defined in the Florida PACE Act.

SECTION 2. DEFINITIONS. The following definitions shall govern the interpretation of this Interlocal Agreement:

"Annual Assessment Resolution" means a resolution adopted by [Name of Locality] and by resolution of any new member of the District, obligating itself annually that (A) imposes new Assessments against those property owners entering into financing agreements with the FDFC under the FDFC PACE Program since adoption of the last Annual Resolution, and (B) approves an electronic assessment roll to be submitted to the Tax Collector for the next tax bill containing the required collection information for all property owners with outstanding Assessments under the FDFC PACE Program, in each case limited to those property owners within the boundaries of the local government that is a member of the District.

"Assessments" means the non-ad valorem assessments levied by the District against the properties that are benefitted by the qualifying improvements in accordance with the Florida PACE Act and the FDFC PACE Program.

"Bond Resolution" means Resolution No. 15-09 of the FDFC adopted on

December 4, 2015 relating to the Bonds and the FDFC PACE Program, as amended and supplemented from time to time.

“Bonds” means bonds that are issued by FDFC from time to time pursuant to the Bond Resolution.

“District” or “FRED” means the Florida Resiliency and Energy District (FRED), a Property Assessed Clean Energy special district, and local government formed pursuant to the Interlocal Act, the Florida PACE Act and this Interlocal Agreement.

“FDFC” means Florida Development Finance Corporation, a public body corporate and politic, a public instrumentality and a local agency organized and existing under the laws of the State of Florida.

“FDFC PACE Program” means the FDFC's Property Assessed Clean Energy (PACE) Program adopted pursuant to the Bond Resolution and its Policies and Procedures.

“FDFC PACE Program Resolution” means Resolution No. __ - __ adopted by the FDFC Board of Directors approving the form and authorizing the execution of this Interlocal Agreement; and

“Florida PACE Act” means Section 163.08, Florida Statutes, as may be amended from time to time.

“Interlocal Act” means Section 163.01, Florida Statutes, as amended.

“Interlocal Agreement” means this Interlocal Agreement Relating to the creation of the Florida Resiliency and Energy District, a Property Assessed Clean Energy District, including any amendments or supplements hereto, executed and delivered in accordance with the terms hereof.

“Party” or “Parties” means FDFC and [Name of Locality], any Subsequent Parties, and their respective assigns.

“Property Appraiser” means the county property appraiser for real property within the boundaries of [Name of Locality].

“Public Agency” means [Name of Locality], of the State of Florida, or any subsequent Party.

“Resolution of Enactment” means Resolution No. ____ adopted by [Name of Locality], authorizing the creation of a PACE program within its boundaries and authorizing the creation of a PACE District by Interlocal Agreement with FDFC.

“Resolution of Intent” means a resolution adopted by the District pursuant to the Uniform Assessment Collection Act providing notice to all owners of real property within the boundaries of District that non-ad valorem assessments may be imposed pursuant to the Florida PACE Act and will be collected pursuant to the Uniform Assessment Collection Act, Sections 197.3632 and 197.3635, Florida Statutes, if the property owner chooses to utilize the FDFC PACE Program and any FDFC approved PACE administrator to finance qualifying improvements.

“State” means the State of Florida.

“Subsequent Party” or **“Subsequent Parties”** means additional government units constituting Public Agencies under the Interlocal Act and local governments as defined under the Florida PACE Act which join the District.

“Tax Collector” means the county tax collector for real property within the boundaries of [Name of Locality], and future members of the District.

“Uniform Assessment Collection Act” means Sections 197.3632 and 197.3635, Florida Statutes, as amended and supplemented from time to time.

SECTION 3. INTERPRETATION. Words importing the singular number shall include the plural in each case and vice versa, and words importing persons shall include firms and corporations. The terms “herein,” “hereunder,” “hereby,” “hereto,” “hereof,” and any similar terms, shall refer to this Interlocal Agreement; the term “heretofore” shall mean before the effective date of this Interlocal Agreement; and the term “hereafter” shall mean after the effective date of this Interlocal Agreement. This Interlocal Agreement shall not be construed more strongly against any party regardless that such party, or its counsel, drafted this Interlocal Agreement.

SECTION 4. PURPOSE. The purpose of this Interlocal Agreement is to create the District, pursuant to the FDFC PACE Program Resolution, the Resolution of Enactment and the Florida PACE Act to facilitate the financing of qualifying improvements for property owners within the District. The District shall be a separate legal entity, pursuant to Section 163.01(7), Florida Statutes and a local government within the meaning of the Florida PACE Act.

SECTION 5. QUALIFYING IMPROVEMENTS. The District shall allow the financing of qualifying improvements by and through the FDFC PACE Program as defined in Section 163.08, Florida Statutes.

SECTION 6. ENABLING ORDINANCE OR RESOLUTION. The Parties and Subsequent Parties to this Interlocal Agreement agree to approve and keep in effect such resolutions and ordinances as may be necessary to approve, create and maintain the District. Said ordinances and resolutions shall include all of the provisions as may be

required or desirable under the Interlocal Act and the Florida PACE Act for the creation and operation of FRED as a separate legal entity and a local government. The District shall be created upon the execution and delivery of this Interlocal Agreement by the Parties.

SECTION 7. DISTRICT BOUNDARIES. DISTRICT ADMISSION.

- a. The boundaries of the District shall initially be the legal boundaries of [Name of Locality], and shall be expanded to include all areas within the legal boundaries of each local government that becomes a Subsequent Party to this Interlocal Agreement. As contemplated in this Interlocal Agreement, the District shall levy voluntary assessments on the benefitted properties within the jurisdictional boundaries of the District to finance the costs of qualifying improvements for those benefitted properties. Upon petition by the landowners of individual residential or commercial properties desiring to be benefitted, those properties receiving financing for qualifying improvements shall be assessed from time to time, in accordance with the applicable law. Notwithstanding a Party's termination of participation in this Interlocal Agreement, those properties that have received financing for qualifying improvements shall continue to be a part of the District, until such time that all outstanding debt has been satisfied.
- b. To the extent permitted by the Interlocal Act, the District may admit any public agency or local government (as such terms are defined in the Interlocal Act and the Florida PACE Act, respectively) as a Subsequent Party to the District upon application of each public agency or local government to the District and the affirmative vote of a majority of the Board of Directors for the District. This Interlocal Agreement need not be amended to admit any such public agency or local government, and the approval of the respective governing boards of the existing Parties to the District shall not be required to admit a Subsequent Party. Each Subsequent Party shall execute, deliver, duly authorize, and record in the public records of each Subsequent Party a counterpart of the Interlocal Agreement as a precondition to membership in the District.

SECTION 8. GOVERNING BOARD OF THE DISTRICT. The District shall be governed by a governing board (the "Board,") which shall at a minimum be comprised of three (3) individuals, two (2) of whom are elected officials or senior staff of a local government, and each representing an individual local government within the jurisdictional boundaries of the Parties to this Interlocal Agreement. One (1) member shall always be a representative of and appointed by FDFC. Until additional Subsequent Parties join the District, two (2) members of the [City Commission/City Council/County Commission] of [Name of Locality, and the FDFC representative shall serve as members of the Board. As Subsequent Parties join the District, a member from the new local government shall have the option to request to become a member of the Board and

replace one member of the [City Commission/City Council/County Commission] until only one member of the [City Commission/City Council/County Commission] remains on the Board. Notwithstanding the foregoing, the maximum number of members on the Board may be increased by a majority vote of the Board to a maximum of 7 members, with the stipulation that FDFC's proportion of appointees shall not be diminished below one-third (1/3) of the total board seats. After the Board is constituted, the Executive Director may recommend procedures for setting terms, board qualifications and responsibilities, and the means of appointment of members to the Board. In the event a Board member is no longer eligible or able to serve on the Board, the Public Agency represented by the Board member, so long as it continues to be a Party to this Interlocal Agreement, shall have the right to request appointment of a replacement to fulfill the remaining term of that member. The Board, upon the advice of the Executive Director, may also establish an Advisory PACE Council constituting additional representatives of members of the District.

SECTION 9. DECISIONS OF THE BOARD. Decisions of the Board shall be made by majority vote of the Board. The Board, upon recommendation of the District's Executive Director, may adopt rules of procedure for the Board. In the absence of the adoption of such rules of procedure, the most current version of Roberts Rules of Order shall apply.

SECTION 10. DISTRICT ADMINISTRATION; DISTRICT STAFF AND ATTORNEY; ADMINISTRATORS

- a. **Financing.** As a condition of this Interlocal Agreement, any party joining the District consents to FDFC and the FDFC PACE Program financing for the District, and FDFC as the PACE Program Sponsor agrees to provide a turnkey PACE program for each jurisdiction that is a Party to this Interlocal Agreement. Notwithstanding any other section of this Interlocal Agreement, the executive director of FDFC shall also be the executive director of FRED. The Executive Director shall have sole authority to appoint staff, counsel, professionals, consultants, and all other positions to fulfill the functions of the District per the PACE Act for the District, and all costs and expenses shall be borne by FDFC and such Parties.
- b. **Administrators.** As a condition of this Interlocal Agreement, the initial administrator for the District per the FDFC Resolution 15-11 shall be Renovate America.
- c. **Additional Administrators.** The Program Development Period, which serves as a soft launch period for the FDFC PACE Program, will end on July 1, 2017, whereby additional qualified administrators for residential PACE programs may be presented to the District. Within 30 days after execution of this Agreement, FDFC may present to the District qualified administrators for commercial PACE

programs that will be available to serve jurisdictions that are a Party to this Interlocal Agreement. All PACE administrators must undergo a vetting process by the FDFC. Once vetted, the PACE provider must be presented to the FDFC Board and approved by resolution. In order for an approved PACE provider to provide administrator services through the FDFC PACE Program, they must execute a PACE Administration Agreement. Each member of the District shall receive notice of all approved PACE Providers (except for residential PACE Providers during the “soft launch” period above). Within thirty (30) days of such notice, the member of the District shall notify the Executive Director of any objection or refusal to allow an approved PACE Provider to offer PACE financing within the jurisdictional boundaries of such member. The [Name of Locality] and Executive Director shall work diligently to resolve any issues with the approved PACE Provider within an additional thirty (30) days. After the additional 30 days, any individual member of the District may choose, by resolution of the member’s governmental body communicated to the District and FDFC, to object and refuse to allow a new Administrator(s) to offer PACE financing within the jurisdictional boundaries of such member. After the expiration of 60 days, the new administrator(s) shall be able to offer its PACE program within the boundaries of all non-objecting members. Notwithstanding any of the foregoing, the only authorized FDFC PACE residential Program Administrator for the District shall be Renovate America until July 1, 2017. After July 1, 2017, any objection to PACE administrators shall be determined and finalized prior to entering into this Interlocal Agreement.

- d. Any member of the District may terminate the right of a PACE Administrator to offer financing within their jurisdictional boundaries following the same notice and objection procedures stated above.

SECTION 11. FINANCING AGREEMENT. The Parties agree that FDFC and FRED may enter into financing agreements, pursuant to Section 163.08(8), Florida Statutes, with property owner(s) who obtain financing through the District.

SECTION 12. POWERS OF THE DISTRICT. With the approval of a majority vote of the Board, the District may exercise any or all of the powers granted to the District under the Interlocal Act and the Florida PACE Act, which include, without limitation, the following:

- a. To finance qualifying improvements through contracts with property owners in the District, and the District shall impose and levy assessments as a local government in accordance with Section 163.08 to repay the financing received; provided, however, i) FDFC shall provide the form of the financing agreement and ii) that FDFC shall, have independent discretionary authority to authorize and approve the issuance of revenue bonds to finance such improvements without further approval or authorization from the District, and subject to

Section 10, to select and approve Administrators for the District;

- b. In its own name to make and enter into contracts on behalf of the District;
- c. Subject to Section 10(a) To employ agencies, employees, or consultants for the District;
- d. To acquire, construct, manage, maintain, or operate buildings, works, or improvements for the District;
- e. To acquire, hold, or dispose of property for the District;
- f. To incur debts, liabilities, or obligations, provided, however, that such debts, liabilities, or obligations shall not constitute debts, liabilities, or obligations of the State, FDFC, or any Party to this Interlocal Agreement;
- g. To adopt resolutions and policies prescribing the powers, duties, and functions of the officers of the District, the conduct of the business of the District, and the maintenance of records and documents of the District;
- h. To maintain an office at such place or places as it may designate within the District or within the boundaries of a Party to this Interlocal Agreement;
- i. To cooperate with or contract with other governmental agencies as may be necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized by the Florida PACE Act, and to accept funding from local, state and federal agencies;
- j. To exercise all powers necessary, convenient, incidental, or proper in connection with any of the powers, duties, or purposes authorized in the Florida PACE Act or Florida statutes governing the District; and
- k. To apply for, request, receive and accept gifts, grants, or assistance funds from any lawful source to support any activity authorized under Florida Statutes and this Agreement.

SECTION 13. TERM. This Interlocal Agreement shall remain in full force and effect from the date of its execution; provided, however, that any Party may terminate its involvement in the District and its participation in this Interlocal Agreement upon ten (10) days' written notice to the other Parties. Should a Party terminate its participation in this Interlocal Agreement, be dissolved, abolished, or otherwise cease to exist, the District and this Interlocal Agreement shall continue until such time as all remaining Parties agree to terminate this Interlocal Agreement. At its discretion, and with reasonable notice, FDFC may terminate its role as FDFC PACE Program Sponsor for the District.

Notwithstanding a Party's termination of participation in this Interlocal Agreement, those properties that have received financing for qualifying improvements shall continue to be a part of the District, until such time that all outstanding debt has been satisfied.

SECTION 14. CONSENT. This Interlocal Agreement and any required resolution or ordinance of an individual Party shall be considered the Party's consent to the creation of the District as required by the Interlocal Act and the Florida PACE Act.

SECTION 15. NOTICE OF INTENT; IMPOSITION OF SPECIAL ASSESSMENTS; COORDINATION.

(A) In accordance with the Uniform Assessment Collection Act and the Florida PACE Act, the District hereby agrees to impose Assessments within its jurisdictional boundaries and to utilize the Uniform Assessment Collection Act for collection of such Assessments from each property owner that voluntarily enters into a financing agreement pursuant to the Florida PACE Act and the FDFC PACE Program. Specifically, the District shall:

(1) advertise a public hearing to consider adoption of a Resolution of Intent, thus providing notice to the owners of real property within the jurisdictional boundaries of the District that non-ad valorem assessments may be imposed pursuant to the Florida PACE Act and may be collected pursuant to the Uniform Assessment Collection Act, and such advertisement to be substantially in the form and within the timing requirements set forth in EXHIBIT A attached hereto;

(2) after holding the public hearing referred to in (1) above, adopt a Resolution of Intent, substantially in the form attached hereto as EXHIBIT B, and mail an executed copy to FDFC, the Tax Collector and the Property Appraiser;

(3) enter into a written agreement with the Tax Collector and the Property Appraiser regarding costs associated with use of the Uniform Assessment Collection Act, to the extent such agreement is not already in place;

(4) prior to September 15 of each calendar year, adopt an Annual Assessment Resolution, substantially in the form attached hereto as EXHIBIT C, which imposes new Assessments against those property owners entering into financing agreements with FDFC and FRED since adoption of the last Annual Resolution, and certifies an electronic assessment roll to be submitted to the Tax Collector for the next tax bill, in each case based on information provided by FDFC;

(5) remit Assessment proceeds received on behalf of the District from the Tax Collector directly to the District, FDFC or its designee;

(6) take all actions necessary to enforce collection of the Assessments

pursuant to the Uniform Assessment Collection Act; and

(7) on its own behalf and at the request of FDFC, re-impose the Assessments as necessary to the extent required by changes in State law or subsequent judicial decisions.

(B) Each approved administrator shall be responsible for all other actions required by the Florida PACE Act and their Administration Agreement with FDFC under the FDFC PACE Program, including but not limited to:

(1) assisting each Party to the Interlocal Agreement with preparing all documents required for the District to impose the Assessments pursuant to the Florida PACE Act and the Uniform Assessment Collection Act, including finalization of the documents attached as exhibits hereto and assistance with the written agreement with the Tax Collector and Property Appraiser, if requested by each Party;

(2) providing a copy of the Resolution of Intent, together with any other documents required by the Florida PACE Act or the Uniform Assessment Collection Act, to the Florida Department of Revenue;

(3) ensuring that each property owner that voluntarily enters into a financing agreement with FDFC has met all of the financial and other requirements provided for by the Florida PACE Act and the FDFC PACE Program;

(4) providing the requisite notifications to all real property owners participating in the District;

(5) recording a summary or memorandum of the financing agreement with the property owner in accordance with the Florida PACE Act;

(6) tracking payment information for each property owner participating in the District and maintaining the related assessment rolls for all such participating parcels within the boundaries of the District;

(7) working with the District to ensure the submission of the electronic assessment roll relating to the District each year to the Tax Collector; and

(8) administering all other aspects of the District including the payment of Bonds with proceeds derived from the Assessments,

(C) The District shall fully cooperate and coordinate with the Tax Collector and Property Appraiser with respect to the levying and collection of assessments and comply with all other requirements of the Florida PACE Act and the Uniform Assessment

Collection Act.

SECTION 16. FEES AND COSTS.

(A) All fees and costs related to the recording of this Interlocal Agreement, the Resolution of Intent process and any other fees and costs incurred by any Party with respect to the Assessments and the FDFC PACE Program will be paid for solely by FDFC and reimbursed to FDFC through the FDFC PACE Program by the respective FDFC-approved PACE administrator(s).

(B) To advance the purposes of the Florida PACE Act, to minimize participation costs, and because each property owner is voluntarily undertaking to achieve and underwrite the compelling State interests described in the Florida PACE Act, the District shall seek either (i) the waiver or reduction by the Tax Collector and Property Appraiser of their fees or (b) a flat _____ dollar (\$.00) fee per year per tax parcel for such purposes which shall be paid by the District and reimbursed to the District through the FDFC PACE Program by the respective FDFC-approved PACE administrator.

SECTION 17. FILING. A copy of this Interlocal Agreement shall be filed by the District for record with the Clerk of the Circuit Court in and for such jurisdictions as may be required by Section 163.01(11), Florida Statutes.

SECTION 18. LIMITED LIABILITY.

(A) FDFC shall defend, indemnify and hold each other Party, and its directors, officials, officers, employees and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liabilities, losses, damages or injuries of any kind, in law or equity, to property or persons, including wrongful death, to the extent arising out of the willful misconduct or gross negligence of FDFC or its directors, officials, officers, employees and agents in connection with the FDFC PACE Program, including without limitation, the payment of expert witness fees and attorneys' fees and other related costs and expenses, but excluding payment of consequential damages. Each Party other than FDFC, shall defend, indemnify and hold FDFC and its directors, officials, officers, employees and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liabilities, losses, damages or injuries of any kind, in law or equity, to property or persons, including wrongful death, to the extent arising out of the willful misconduct or grossly negligent acts of such Party or its directors, officials, officers, employees and agents in connection with its obligations under this Interlocal Agreement, including without limitation, the payment of expert witness fees and attorneys' fees and other related costs and expenses, but excluding payment of consequential damages. In no event shall any Party's officials, officers or employees be held directly liable for any damages or liability resulting from this Interlocal Agreement.

(B) No Party or any agent, board member, officer, official, advisor or employee of such Party shall be liable for any action taken pursuant to this Interlocal Agreement in good faith or for any omission, except to the extent provided in Section 19(A) above, or for any act of omission or commission by any other Party hereto or its agents, officers, officials or employees. The terms of this Section 19 shall survive termination or expiration of this Interlocal Agreement.

(C) Neither this Interlocal Agreement nor any Bonds issued by FDFC on behalf of the District under the FDFC PACE Program shall be deemed to constitute a general debt, liability, or obligation of or a pledge of the faith and credit of FRED, FDFC, or any Party, the State of Florida, or any political subdivision or agency thereof. The issuance of any Bonds by FDFC on behalf of the FDFC PACE Program shall not directly, indirectly, or contingently obligate any Party, FDFC, the State of Florida, or any political subdivision or agency thereof to levy or to pledge any form of taxation whatsoever therefor, or to make any appropriation for their payment.

(D) The District, FDFC, and each Party are and shall be subject to Sections 768.28 and 163.01(9), Florida Statutes, and any other provisions of Florida law governing sovereign immunity. Nothing in this Interlocal Agreement is intended to inure to the benefit of any third-party for the purpose of allowing any claim, which would otherwise be barred under the doctrine of sovereign immunity or by operation of law.

SECTION 19. INDEMNIFICATION. The Parties agree that the Limited Partnership Agreement for the District shall always indemnify and hold harmless FDFC, the Parties and the District. The Parties understand and acknowledge that the indemnification provisions included in the Administrative Agreement between FDFC and its approved Administrators extend to each Party and subsequent Party which are members of the District.

SECTION 20. AMENDMENTS. This Interlocal Agreement may be amended only by a writing approved by each Party.

SECTION 21. ASSIGNMENT. This Interlocal Agreement may be assigned, in whole or in part, by any Party at any time with the prior written consent of each other Party hereto, which consent shall not unreasonably be withheld.

SECTION 22. EXECUTION IN COUNTERPARTS. This Interlocal Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute one and the same instrument.

SECTION 23. SEVERABILITY. In the event that any provision of this Interlocal Agreement shall, for any reason, be determined invalid, illegal or unenforceable in any respect by a court of competent jurisdiction, the other provisions of this Interlocal Agreement shall remain in full force and effect.

SECTION 24. APPLICABLE LAW. This Interlocal Agreement shall be governed by and construed in accordance with the laws of the State of Florida.

SECTION 25. JOINT EFFORT. The preparation of this Interlocal Agreement has been a joint effort of the Parties hereto and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the Parties than the other.

SECTION 26. EFFECTIVE DATE. This Interlocal Agreement shall become effective on the later of (A) the date hereof, or (B) the date the last party hereto executes this Interlocal Agreement and the filing requirements of Section 7 hereof are satisfied.

[SIGNATURE PAGES FOLLOW]

[FDFC SIGNATURE PAGE TO INTERLOCAL AGREEMENT]

IN WITNESS WHEREOF, this Interlocal Agreement has been executed by and on behalf of the FDFC by the authorized signatory identified below.

FLORIDA DEVELOPMENT FINANCE CORPORATION

By: _____
Name: _____
Title: _____

[PUBLIC AGENCY SIGNATURE PAGE TO INTERLOCAL AGREEMENT]

IN WITNESS WHEREOF, this Interlocal Agreement has been executed by and on behalf of the [Name of Locality] by its _____, its seal affixed hereto, as attested by its _____ as of the _____ day of _____, 20 .

[NAME OF LOCALITY], FLORIDA

(SEAL)

ATTEST:

By: _____
_____, its _____