



BOARD OF COUNTY COMMISSIONERS MEETING MINUTES

June 26, 2018

Administration Building,
4th Floor, BCC Meeting Room, 477 Houston
Street,
Green Cove Springs, FL 32043
4:00 PM

INVOCATION

Commissioner Hutchings

PLEDGE

Commissioner Bolla

CALL TO ORDER

Chairman Rollins called the meeting to order at 4:03 P.M.

ROLL CALL

Present: Commissioner District 4 Chairman Gavin Rollins
Commissioner District 1 Vice-Chairman Mike Cella
Commissioner District 2 Commissioner Wayne Bolla
Commissioner District 3 Commissioner Diane Hutchings
Commissioner District 5 Commissioner Gayward Hendry

Absent: None

Staff Present: County Manager S. C. Kopelousos
County Attorney Courtney K. Grimm
Commission Auditor Mike Price
Chief Assistant County Attorney Fran Moss

A MOMENT IN HISTORY

Commissioner Hendry reported that on this day back in 1969, Dan Bullock was the youngest African American killed in action during the Vietnam War.

PET ADOPTIONS

Kelly Kinney, Friends of Clay County Animals, presented a dog named Nomad.

APPROVAL OF MINUTES

1. June 12, 2018 BCC Minutes

Commissioner Hutchings moved, seconded by Vice Chairman Cella, and carried 5-0, to approve the June 12, 2018 BCC minutes as presented.

PUBLIC COMMENTS

Devesh Nirmul, White Green Energy Fund, addressed the Board with regard to the PACE Program.

Vera Ellen Rich, 1857 Creekview Drive, Green Cove Springs, spoke against allowing any development on the Solite property.

James Otto, 2904 Blanding Blvd, Middleburg, addressed the Board.

Paul Still, 14167 SW 101st Ave, Starke, informed the Board that he was running for the Florida House, District 19, and stated that the Solite property should never be developed.

Edwin Wingate, 2206 Winchester Road, Green Cove Springs, spoke against the proposed development on the Solite property.

Cheryl Owen, Candidate for County Commission Seat 4, 7980 State Road 100, Keystone Heights, asked that the Board deny any development on the Solite property and requested that the Board take immediate actions to have the property cleaned.

CONSENT AGENDA

Commissioner Hutchings moved, seconded by Commissioner Hendry, and carried 5-0, to approve the Consent Agenda as presented.

2. Satisfaction of Mortgage Conroy

3. Finance & Audit Committee Business

Finance & Audit Committee Minutes of June 19, 2018.

4. Finance Business

The Finance Department business is submitted to request approval and ratification by the Board for various warrants and disbursements in order to meet the requirements of Ch. 136.06 (1), FI Statute. Acceptance and

disposal of various Board property and various documents are submitted for the Board's information. At times, approval is requested for various finance related issues.

5. Approval of Impact Fee Credit Agreement for Road Impact Fees-AFI Associates, Inc. (OakLeaf Plantation/Argyle Forest Development of Regional Impact)

6. State Infrastructure Grant
Approval of the updated State Infrastructure Grant Agreement with the State of Florida Department of Transportation (FDOT) and the State of Florida Department of Economic Opportunity (DEO), which sets forth terms and conditions under which the State will provide financial assistance to Clay County, in an amount not to exceed \$2,065,000.00, for capital and eligible related costs for the Atlantis Drive roadway project. Funding Source: Revenue

OLD BUSINESS

7. LRML, LLC v. Clay County - Mediated Settlement Agreement
Approval of Mediated Settlement Agreement to resolve LRML, LLC v. Clay County, Circuit Court Case No. 2017-CA-0977

County Attorney Grimm presented the item to the Board for consideration.

Ms. Grimm requested approval of the Mediated Settlement Agreement.

With no discussion, Commissioner Hutchings moved, seconded by Vice Chairman Cella, and carried 5-0, to approve the Mediated Settlement Agreement to resolve LRML, LLC v. Clay County, Circuit Court Case No. 2017-CA-0977 as presented.

PLANNING AND ZONING

8. Final Public Hearing to Consider DRI 2018-03 Car Wash Parcel 23 (Planning Commission voted 7-0 to recommend approval).
Public Hearing to Consider DRI-2018-03 amending Map H, Parcel 23 from Office to Office/Commercial, with an asterisk to limit the commercial use to Car Wash only to be located on tax parcel 014176-000-01. (Commission District 3, Hutchings)

John O'Connor, 1590 Island Lane, Suite 28, Fleming Island, addressed the Board.

Following comments made by Mr. O'Connor, Carolyn Morgan, Chief Planner, presented the item to the Board for consideration.

Staff recommended approval of DRI 2018-03.

Chairman Rollins opened the public hearing.

John O'Connor, 1590 Island Lane, Suite 28, Fleming Island, addressed the Board and requested approval of the application as presented.

Pete Davis, Chairman, Fleming Island Advisory Committee, informed the Board that the Fleming Island Advisory Committee met with Mr. O'Connor and requested approval of the proposed application.

James Otto, 2904 Blanding Blvd, Middleburg, spoke in support of the proposed application.

Following Board discussion, Commissioner Hutchings moved, seconded by Commissioner Bolla, and carried 5-0, to approve DRI 2018-03 amending Parcel 23 of the Crossings to Office/Commercial and limiting the commercial use to car wash only on Tax Parcel 0140177-000-01.

9. Final Public Hearing to Consider Amendment to the Land Development Code, Article VIII, Design and Improvement Standards (P.C. voted 7-0 in favor)

The proposed amendments to the Land Development Code, Article VIII are to cite current industry standards, to require lot grading as-builts, to increase lane width requirements and to require 3' utility easements outside of the right-of-way, to increase corner clearance for non-residential and to specify additional storm sewer material.

Dale Smith, Director of Public Works, presented the item to the Board for consideration.

Staff recommended approval.

Commissioner Bolla and Vice Chairman Cella posed questioning to Mr. Smith.

Following those discussions, Chairman Rollins opened the public hearing.

James Otto, 2904 Blanding Blvd, Middleburg, addressed the Board.

Chairman Rollins closed the public hearing.

With no further discussion, Commissioner Bolla moved, seconded by Commissioner Hutchings, and carried 5-0, to approve the proposed amendments to the Land Development Code, Article VIII, to require lot grading as-builts, to increase lane width requirements and to require 3' utility easements outside the right-of-way, to increase corner clearance for non-residential, and to specify additional storm sewer material.

10. Final Public Hearing to Consider Amendments to the Branan Field Master Plan Land Development Code Relating to Roadway Configurations (P.C. voted 7-0 in favor)

The proposed amendments to the Branan Field Master Plan Land Development Code increase lane width requirements for local residential roadways and require a 3' utility easement outside of the right-of-way. These changes are consistent with those proposed outside of the Master Plan Area.

Dale Smith, Public Works Director, presented the item to the Board for consideration.

Staff recommended approval.

Commissioner Bolla posed questioning to Mr. Smith.

Chairman Rollins opened the public hearing and receiving no request to speak closed the public hearing.

With no discussion, Commissioner Bolla moved, seconded by Vice Chairman Cella, and carried 5-0, to amend the Branan Field Master Plan and Development Code to increase lane width requirements for local residential roadways and to require a 3' utility easement outside of the right-of-way.

11. Final Public Hearing to Consider Amendment to the Lake Asbury Master Plan Land Development Code Relating to Roadway Configurations (P.C. voted 7-0 in favor)

The proposed amendments to the Lake Asbury Master Plan Land Development Code increase lane width requirements for local residential roadways and require a 3' utility easement outside of the right-of-way. These changes are consistent with those proposed outside of the Master Plan Area.

Dale Smith, Public Works Director, presented the item to the Board for consideration.

Staff recommended approval.

Chairman Rollins opened the public hearing.

James Otto, 2904 Blanding Blvd, Middleburg, addressed the Board.

Chairman Rollins closed the public hearing.

With no further discussion, Commissioner Hendry moved, seconded by Vice Chairman Cella, and carried 5-0, to approve the proposed amendments to the Lake Asbury Master Plan and Development Code to increase lane width requirements for local residential roadways and to require a 3' utility easement outside of the right-of-way.

12. Final Public Hearing to Consider Amendment to the Land Development Code, Article IX, Bonding, Inspection, Acceptance and Maintenance Standards (P.C. voted 7-0 in favor)

The proposed amendments to the Land Development Code, Article IX specify the improvements for which a performance bond is required and add a requirement for residential lot as-built drawings.

Dale Smith, Public Works Director, presented the item to the Board for consideration.

Staff recommended approval.

Chairman Rollins opened the public hearing and receiving no request to speak closed the public hearing.

With no discussion, Vice Chairman Cella moved, seconded by Commissioner Hendry, and carried 5-0, to approve the proposed amendments to the Land Development Code, Article IX specifying the improvements for which a performance bond is required and to add a requirement for residential lot as-built drawings.

13. First public hearing to address a proposed agreement with Stoneridge Farms, a text amendment, and a Future Land Use Map amendment for land designated as LA Solite in the Lake Asbury FLUM. (Planning Commission voted 8-0 to recommend denial).

This is a public hearing to address a proposed agreement with Stoneridge Farms, a text amendment, and a Future Land Use Map amendment for land designated as LA Solite in the Lake Asbury FLUM. All three items are interconnected so only one motion to approve or deny is required. Existing LA Policy 2.9 states that the BCC shall consider a density bonus of up to 3 units per net acre as long as adequate provisions are made to remediate the site. (Commission District 5, Hendry)

Ed Lehman, Director of Planning & Zoning, presented the item to the Board for consideration.

Staff recommended approval.

Susan Fraser, Applicant, SLF Consulting, Inc., 3517 Park Street, Jacksonville, addressed the board with regard to the proposed agreement/amendments and requested a continuance to the August 14, 2018 BCC meeting.

Michael Danhour, Danhour Group, Developer, addressed the Board.

Chairman Rollins opened the public hearing.

Tony Richardson, 1800 CR 209B, Green Cove Springs, stated that he would like to see the entire site cleaned prior to any type of construction.

Patricia Foss, 1818 CR 209B, Green Cove Springs, spoke against the proposed application.

Mike Zelinka, St. Augustine, spoke against the proposed application and read for the record a sworn testimony of his account of the day to day operations of Florida Solite while he was employed by them.

Zoie Drury, 2564 Backyard Cove, Green Cove Springs, read into the record a continuation of Mike Zelinka's sworn testimony.

Donna Parker, read into the record a continuation of Mike Zelinka's sworn testimony.

Aaron Wilson, 2308 North Fork Road, Green Cove Springs, read into the record a continuation of Mike Zelinka's sworn testimony.

Angela Kline, 2352 North Ford Road, Green Cove Springs, read into the record a continuation of Mike Zelinka's sworn testimony.

Benjamin Mitts, Middleburg, spoke against the proposed application.

Kristen Burke, 1812 CR 209B, Green Cove Springs, spoke against the proposed application.

Harold Burke, 1812 CR 209B, Green Cove Springs, spoke against the proposed application.

Robin Tidwell, 3249 Silverado Circle, Green Cove Springs, spoke against the proposed application.

Daniel Mcfadyen, 1753 Oak Grove Drive, Green Cove Springs, spoke against the proposed application.

Jessica Cox, 1782 Oak Grove Drive South, Green Cove Springs, spoke against the proposed application.

Joan Starnes, 1817 CR 209B, Green Cove Springs, spoke against the proposed application.

Bruce Starnes, 1817 CR 209B, Green Cove Springs, spoke against the proposed application.

Matthew Hansknecht, 1749 Oak Grove Drive South, Green Cove Springs, spoke against the proposed application.

Steve Underwood, 1819 CR 209B, Green Cove Springs, spoke against the proposed application.

Harry McEuen, 1877 CR 209B, Green Cove Springs, spoke against the proposed application.

Gary T Clark, 2040 CR 209B, Green Cove Springs, spoke against the proposed application.

Christina Backscheider, 1787 CR 209B, Green Cove Springs, spoke against the proposed application.

Randy Gillis, 1807 CR 209B, Green Cove Springs, spoke against the proposed application.

James Otto, 2904 Blanding Blvd, Middleburg, spoke against the proposed application.

Tom Riddle, 3536 Westover Road, Fleming Island, spoke against the proposed application.

Chad Weeks, 3090 Feed Mill Road, Green Cove Springs, spoke against the proposed application.

Aliece Davey, 2308 North Fork Road, Green Cove Springs, spoke against the proposed application.

Luann O'Neal, 1740 Oak Grove Circle, Green Cove Springs, spoke against the proposed application.

Karen Knapp, CR 209B, Green Cove Springs, spoke against the proposed application.

Velinda Roe, 2251 & 2240 North Fork Road, Green Cove Springs, spoke against the proposed application.

Albert Galliano, addressed the Board and answered questions.

Vice Chairman Cella and Commissioner Bolla posed questioning to Mr. Galliano.

Commissioner Hutchings asked that Mike Zelinka submit a copy of his sworn statement for the record and asked Daniel Mcfadyen to also provide a copy of his letter for the record. Ms. Hutchings addressed Mr. Galliano and informed him that his company left this County with a mess and stated that it will be cleaned up and added that she would be making a motion to deny any further talks regarding development of the property. Ms. Hutchings commended the audience for their demeanor during this process.

Chairman Rollins echoed comments made by his fellow Commissioners.

Brian Baker, Department of Environmental Protection, Administrator of the Hazardous Waste Program and Permitting, answered questions posed by the Board.

Chairman Rollins closed the public hearing.

Commissioner Hendry thanked the citizens for attending the meeting and following his

comments, made a motion to deny the proposed Agreement, the FLUM Amendment, and the Text Amendment as presented. He further made a motion to deny the request for the continuance. Vice Chairman Cella seconded the motion.

Board discussion followed of the need to delay any type of future development on the property.

Chairman Rollins called for a vote.

Motion carried 5-0, to accept the motion as presented by Commissioner Hendry.

Chairman Rollins stated that he believed that the Developer had good intentions with regard to the project, but with regard to Solite, he stated that he thought they were an evil corporation that left negative impacts on Clay County.

Chairman Rollins called for a five minute recess. The time being 7:46 P.M.

Chairman Rollins reconvened the meeting at 7:57 P.M.

It was the consensus of the Board to have further discussions at the next BCC meeting to determine appropriate actions to have Solite clean up the property as they should have when the site ceased its operations.

14. First Public Hearing to consider transmittal of Large Scale Amendment CPA 2018-02 CR 315B Residential (Planning Commission voted 7-1 to recommend approval)

Consider amending the land use from Rural Residential to Rural Fringe, on 26.45 acres located on CR 315B. The proposed amendment will be a large-scale amendment. It is located in the Green Cove Springs Planning District and Commission District 5, Mr. Hendry. Planning Commission voted 7 to 1 on May 1, 2018 to approve CPA 2018-02. This item was continued from the May 22 BCC meeting.

Carolyn Morgan, Chief Planner, presented the item to the Board for consideration.

Staff recommended approval of the Transmittal of Comprehensive Plan Amendment 2018-02.

Susan Fraser, Applicant, SLF Consulting, 3517 Park Street, Jacksonville, addressed the Board and stated that she was available for questions.

Chairman Rollins opened the public hearing.

Robert Fortenberry, 3237 Maryland Ave, Green Cove Springs, addressed the Board and stated that he met with Ms. Fraser and the Developer to discuss the project and stated that he would be supporting the proposed application.

William E. Schaefer, P.E., 4348 Southpoint Blvd, Suite 204, Jacksonville, addressed the

Board and answered questions posed by Vice Chairman Cella.

John Latshaw, Jr., Developer, 4348 Southpoint Blvd, Suite 210, Jacksonville, addressed the Board and requested approval of the proposed application.

James Otto, 2904 Blanding Blvd, Middleburg, addressed the Board.

Chairman Rollins closed the public hearing.

With no further discussion, Commissioner Hendry moved, seconded by Commissioner Hutchings, and carried 5-0, to approve Comprehensive Plan Amendment 2018-02 as presented.

15. Final Public Hearing to Consider Adoption of the 2040 Comprehensive Plan

The proposed 2040 Comprehensive Plan includes the policy revisions as proposed in the 2025 Evaluation and Appraisal Report (EAR), changes to address reviewing agency comments and other minor changes identified after transmittal of the EAR.

Beth Carson, Senior Planner, presented the item to the Board for consideration.

Staff recommended approval.

Chairman Rollins opened the public hearing.

James Otto, 2904 Blanding Blvd, Middleburg, addressed the Board.

Chairman Rollins closed the public hearing.

Commissioner Hendry moved, seconded by Commissioner Bolla, and carried 5-0, to approve the adoption of the 2040 Comprehensive Plan as presented.

Vice Chairman Cella and County Manager Kopelousos thanked staff for the hard work they put into assembling the document.

NEW BUSINESS

16. Lien Reduction Agreement for 53 Mitchell Avenue, Orange Park, FL
Approval of the Lien Reduction Agreement for the property located at 53 Mitchell Avenue, Orange Park, Florida 32073. (C. Stewart)

County Manager Kopelousos presented the item to the Board for consideration. Ms. Kopelousos stated that the property has been cleaned and requested that the lien be reduced to staff time in the amount of \$5,880.

Board discussion followed.

Following discussions, Commissioner Hutchings moved, seconded by Vice Chairman Cella, and carried 5-0, to approve the Lien Reduction Agreement as presented.

17. School Resource Officer - Clay Charter Academy

Discussion regarding school resource officer at Clay Charter Academy.
(S. Kopelousos)

County Manager Kopelousos presented the item to the Board for consideration. Ms. Kopelousos informed the Board that Clay Charter Academy approached the Clay County Sheriff's Office (CCSO) and requested that a Sheriff's Deputy be assigned as its School Resource Officer. Ms. Kopelousos added that she was contacted by the CCSO and asked if the County would fund the Capital cost associated with the School Resource Officer as requested by the school.

Following Board discussion, Commissioner Hendry moved, seconded by Commissioner Hutchings, and carried 5-0, to approve the item as presented.

18. Report to the Clay County Board of County Commissioners from the 2017-2018 Clay County Charter Review Commission

Discussion regarding placement of the CRC proposed amendments on the 2018 General Election Ballot

County Attorney Grimm presented the item to the Board for consideration. Ms. Grimm reported that the Charter Review Commission (CRC) held their final meeting on June 13, 2018 and added that in connection with that meeting, the CRC held their final hearing on the two ballot proposals and approved their Final Report to the Board of County Commissioners for their 2017/2018 meetings. Ms. Grimm reviewed the Final Report with the Board.

Ms. Grimm further reported that she would be preparing a Resolution, for consideration by the Board at their July 10, 2018 meeting, in connection with the requests from the CRC, which will be forwarded to the Supervisor of Elections.

Following Board discussion, Chairman Rollins stated that he had asked that the County Attorney advertise language for the July BCC meeting, so that the Board could have a discussion pertaining to Term Limits.

Chairman Rollins further reported that Commissioner Hendry requested advertisement for the July BCC meeting to discuss a proposed amendment pertaining to the question of how often the CRC meets.

COUNTY MANAGER/CLERK OF THE BOARD

19. Discussion regarding the CIP related to the new school signal, CR218 bridge, and the Keystone Heights Trail matching grant

County Manager Kopelousos reported of Capital Improvement Project (CIP) related items.

First, Ms. Kopelousos reported that CIP funds were used to fund and repair the CR 218 Bridge related to damage caused by Hurricane Irma and informed the Board that reimbursement is forth coming in the amount of 1.5 million.

Secondly, Ms. Kopelousos reported that the installation of the signal at the new school was an unexpected expense in the amount of \$450,000 and requested that the full amount be taken from the CIP to reimburse the Transportation Trust Fund for that expense.

Thirdly, Ms. Kopelousos reported that the City of Keystone Heights is requesting matching funds of \$46,000 from the County to help with a Trail Matching Grant that they received.

Following Board discussion of the CIP related items, it was the consensus of the Board for County Manager Kopelousos to bring back a Resolution for Board consideration pertaining to these discussion items as presented.

Ms. Kopelousos reported that staff is looking into the idea of imposing a "No Wake Zone" in all cases when Black Creek reaches its flood stage.

Ms. Kopelousos reported of the need to hold a Budget Workshop. Following those discussions, it was the consensus of the Board to hold the Workshop on July 17, 2018 at 4:00 P.M.

COUNTY ATTORNEY

The County Attorney had no discussion items.

LETTERS FOR ACTION

20. Discussion of Appointments to the Housing Finance Authority
Request that Roger Higginbotham and Jim Ryan be re-appointed to the Housing Finance Authority for an additional four (4) year term.
Advertising requirements have been met.

Chairman Rollins presented the item to the Board for discussion.

With no discussion, Commissioner Hutchings moved, seconded by Vice Chairman Cella, and carried 5-0, to re-appoint Roger Higginbotham and Jim Ryan to the Housing Finance Authority.

21. Discussion of Appointment to the Clay County Affordable Housing Advisory Committee

Request for re-appointment of Roger Higginbotham, Jim Ryan, Linda Long, Barbara Coleman, Joe Wiggins, Carolyn Edwards, Tobi McGuigan, Ralph Puckhaber, Lisa Daniels, and Bruce Ferguson to the Clay County Affordable Housing Advisory Committee. Advertising requirements have been met.

Chairman Rollins presented the item to the Board for discussion.

With no discussion, Commissioner Hendry moved, seconded by Commissioner Hutchings, and carried 5-0, for the re-appointments of Roger Higginbotham, Jim Ryan, Linda Long, Barbara Coleman, Joe Wiggins, Carolyn Edwards, Tobi McGuigan, Ralph Puckhaber, Lisa Daniels, and Bruce Ferguson to the Clay County Affordable Housing Advisory Committee.

LETTERS OF DOCUMENTATION

Chairman Rollins acknowledged the Letters of Documentation.

22. Charter Review Commission Minutes for May 24, 2018
23. Charter Review Commission Minutes for June 13, 2018
24. Armstrong CDD Proposed Budget FY 2019
25. The Crossings at Fleming Island CDD Proposed Budget FY 2019
26. Fleming Island Plantation CDD Proposed Budget for FY 2019
27. BCC Bid Openings 062618
 - Bid Opening Tabulations for June 5, 2018:
 - A. Bid #17/18-22, Continuing Cave-In Repair To County Stormwater Infrastructure
 - Bid Opening Tabulations for June 12, 2018:
 - A. Bid #17/18-28, Continuing Underdrain Repair And/or New Construction
 - Bid Opening Tabulations for June 19, 2018:
 - A. Bid #17/18-23, Continuing Sidewalk Repair And/or New Construction

PUBLIC COMMENTS

James Otto, 2904 Blanding Blvd, Middleburg, addressed the Board.

Ray Carter, 667 Tropical Parkway, Orange Park, spoke against allowing a Medical Marijuana Dispensary at 495 Blanding Blvd.

COMMISSIONERS' COMMENTS

Commissioner Hendry quoted Herbert Spencer.

Vice Chairman Cella had nothing to report.

Commissioner Hutchings wished everyone a safe and Happy 4th of July.

Commissioner Bolla thanked the good people of Clay County for giving him another term in office. He also asked for an update regarding the Transportation issues associated with the Council of Aging. Ms. Kopelousos addressed questions posed by Mr. Bolla.

The Board adjourned the meeting at 9:04 P.M.

Attest:

Clerk of the Board

Chairman or Vice-Chairman