



**BOARD OF COUNTY COMMISSIONERS  
MEETING MINUTES**

November 28, 2017  
Administration Building,  
4th Floor, BCC Meeting Room, 477 Houston  
Street,  
Green Cove Springs, FL 32043  
4:00 PM

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**INVOCATION**

Commissioner Cella

**PLEDGE**

Commissioner Hendry

**CALL TO ORDER**

Chairman Bolla called the meeting to order at 4:02 P.M.

**ROLL CALL**

**Present:** Commissioner District 2 Chairman Wayne Bolla  
Commissioner District 3 Vice-Chairman Diane Hutchings  
Commissioner District 1 Commissioner Mike Cella  
Commissioner District 4 Commissioner Gavin Rollins  
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 shared that on this day in 1520 the first European (Ferdinand Magellan) sailed a wooden ship in the Pacific Ocean, the path of which became known as the Straits of Magellan. One of Magellan's ships made it back to Spain, establishing

the first circumnavigation of the globe.

## **ARTWORK**

Montclair Elementary and Thunder Bolt Elementary

Artwork was provided by Montclair Elementary School where the Art Teachers are Ms. Crabtree, Dr. Bell, Mrs. Fitzsimmons and Mrs. Ray. The participating artists were the 1st, 2nd, 3rd, 4th and 6th grade classes along with Julianna Quick and Isabelle Yasay.

Artwork was also provided by Thunder Bolt Elementary School where the Art Teacher is Desiree Stone. The participating artists were Sydney Martin, Emma Massey, Anna Mosley, Margaret Hughes, Ezra Ellis, Eja Shipley, Natalie Slowey and Isabella Deleon.

## **PET ADOPTIONS**

One dog by the name of Stanley and multiple kittens were presented by the Friends of Clay County Animals volunteer, Kelly.

## **SPECIAL STAFF RECOGNITION**

None

## **PRESENTATIONS**

None

## **APPROVAL OF MINUTES**

1. November 14, 2017 BCC Mtg Minutes

After discussion, Commissioner Rollins moved, seconded by Vice-Chair Hutchings, and carried 5-0, to approve the November 14, 2017 Board of County Commissioners Meeting Minutes as presented.

## **PUBLIC COMMENTS**

James Otto, 2910 Blanding Boulevard, Middleburg, Florida, asked the Board to vote for a member who would allow speaking on all agenda items, to change their priorities and not allow football in public schools.

Scott Komegay, Keystone Heights City Manager, invited the Board to the City's December 11, 2017 Ribbon Cutting event. They intend to meet at the City's Beach parking lot at 4:30 P.M.

David Vernon, 1311 Oak Landing Lane, Fleming Island, Florida, commented that a designated space is needed for lacrosse as they currently use general purpose fields.

Gloria, spoke of issues with vandalism at Tanglewood and her safety concerns for those using the park at Tanglewood.

## **CONSENT AGENDA**

After discussion, Commissioner Rollins moved, seconded by Vice-Chair Hutchings, and carried 5-0, to approve the Consent Agenda as presented.

### **2. 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.

## **OLD BUSINESS**

### **3. Non-Exclusive Perpetual Easement for Construction, Operation and Maintenance (SJRWMD - Black Creek Water Resource Development Project)**

Request for approval of the attached Easement in conjunction with the Cooperative Agreement entered into on August 22, 2017 with St. Johns River Water Management District for the purpose of outlining the participation of the County and the District in the construction of the Black Creek Water Resource Development Project.

James Householder, Facilities Director, presented the item for the Board's consideration.

After discussion, Commissioner Rollins moved, seconded by Vice-Chair Hutchings, and carried 5-0, to approve the non-exclusive perpetual easement as presented.

### **4. Alcoholic Beverage Permit Requirements under Ordinance No. 2017-27**

The Board approved Ordinance No. 2017-27 to allow beer and wine sales at the County owned and operated Clay County Fairgrounds facility. The ordinance requires an application and permitting process, as well as an associated fee.

Chairman Bolla opened a public comment session.

James Householder, Facilities Director, presented the item for the Board's

consideration.

Commissioner Cella asked how the determination between resident and non-resident would be made with regard to fees. County Manager Kopelousos shared that if you have a Clay County address, then you're a resident. James Householder also explained that the location of the zone would have to be on the application. He also shared the make-up of the application committee. The fees charged for law enforcement and fire rescue services would be separate.

James Otto, 2910 Blanding Boulevard, Middleburg, Florida, commented that people come to Clay County because there is no alcohol at the events and that the Fair should be more self sufficient.

Commissioner Cella commented that the Fair is self sufficient and that the Fair Association runs the Fair.

Commissioner Hendry suggested that Mr. Otto should look around his on back yard, with regard to the happenings there.

Audie Gibson, 4115 Forest Haven Drive North, Jacksonville, Florida, commented that he has already been in contact with the Sheriff's Office regarding the required services.

The public comment session was closed.

Robin Smith spoke of the Tanglewood Park safety issues and the need for a safe ball park. She shared that the problem is the community the park is located in. Chairman Bolla thinks the concern is legitimate and should be looked into. Commissioner Cella shared various discussions he has had regarding the matter.

After discussion, Commissioner Cella moved, seconded by Commissioner Hendry, to approve the item as presented. Commissioner Hendry questioned if the term "alcoholic beverage" was the right terminology and County Attorney Grimm responded that this was the language from the existing Ordinance. The motion carried 3-2, with Vice-Chair Hutchings and Commissioner Rollins dissenting.

## **PLANNING AND ZONING**

### **5. Public Hearing to Consider Adoption of Comprehensive Plan Amendment 2017-08**

Consider adoption of an amendment of the Future Land Use Map (FLUM) Amendment from Rural Residential (1 DU per 5 acres) to Industrial (FAR .50) on 44.72 acres, located on US 17. The proposed amendment is a large scale land use amendment. The subject parcel is in the Green Cove Springs Planning District.

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

Frank Miller, 225 Water Street, Jacksonville, Florida, spoke on behalf of Vallencourt

Construction. He commented that he has had no objections from the state and asked for the Board's approval. He also shared that if tortoise are found, they will get permitted and handle it. However, there is nothing they can do about the smoke corridor.

Chairman Bolla opened the Public Hearing.

There being no speakers, Chairman Bolla closed the Public Hearing.

After discussion, Commissioner Cella moved, seconded by Vice-Chair Hutchings, and carried 5-0, to approve Comprehensive Plan Amendment 2017-08 as presented.

6. Public Hearing to Consider Small Scale Amendment CPA 2017-09

Consider CPA 2017-09, a small scale amendment from Commercial to Urban Core on 0.873 acres located at 57 College Drive, the Ridgewood/Doctors Lake Planning District, Commission District 2, Mr. Bolla. (Planning Commission voted 7-0 to approve)

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

The applicant spoke in support of the application.

Chairman Bolla opened the Public Hearing.

James Otto, 2910 Blanding Boulevard, Middleburg, Florida, asked the Board to put off residential development until the impact fees are enacted.

Chairman Bolla closed the Public Hearing.

After discussion, Commissioner Rollins moved, seconded by Commissioner Hendry, and carried 5-0, to approve the Small Scale Amendment CPA 2017-09 as presented.

7. Public Hearing to Consider Zoning Application Z-17-10, BA to RA, Foxwood Drive

Application Z-17-10 considers rezoning from tax parcels 07-04-26-012920-000-00, 07-04-26-012921-000-00, 07-04-26-012942-000-00, 07-04-26-012943-000-00 from BA to RA located in Foxwood Unit 1. The subject parcels are located in Commission District 3, Ms. Hutchings and in the Orange Park Planning District. (Planning Commission voted 7-0 to approve)

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

Chairman Bolla opened the Public Hearing.

There being no speakers, Chairman Bolla closed the Public Hearing.

A vote was not needed as this item will come back to the Board on December 12, 2017.

8. **Public Hearing to Consider PID 17-05, Rezone from RR to PID**  
Public Hearing to consider Z-17-05 Clarke's Creek Industrial Center, rezone from AR (Agriculture Residential) to PID (Planned Industrial Development) District on 44.72 acres located at 5987 U.S. Highway 17 South. (Planning Commission voted 6-0 to approve with amended conditions)

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

Frank Miller, 225 Water Street, Jacksonville, Florida, commented that this is an attempt to create a light industrial concept to a park. He discussed the location of the signs, the perimeter buffer, the buffer along US17 and the written statement package. He also shared that the sign will not be digital and handed out suggested verbiage for approval. After discussion regarding last minute revisions and confusing changes, Chairman Bolla opened the Public Hearing.

James Otto, 2910 Blanding Boulevard, Middleburg, Florida, spoke on schools being a target for terrorism and that changing the zoning would be a good thing.

Chairman Bolla closed the Public Hearing.

After discussion, Vice-Chair Hutchings moved, seconded by Commissioner Hendry, and carried 5-0, to approve PID 17-05 / Z-17-05; but remove reference to the median; add Mr. Miller's provided statement to wit: All obligations under LDC Section 6-8 shall be met by canopy tree plantings along the western boundary of the property adjacent to U.S. 17 consistent with LDC Section 6-8(5)(d). Within 10 feet of the western boundary property line and spaced no more than 50 feet apart, a row of evergreen or deciduous canopy trees which are not less than 10 feet in height or 2 inch in caliper shall be planted in areas of the size required by LDC Section 6-1(8); add additional vegetation between the canopy tree plantings on the western boundary of Highway 17.

9. **Public Hearing to Consider Zoning Application PUD 17-04, AR to PUD, Washington Avenue Residential**  
Rezone from AR to PUD on 35.08 acres, located on north side of Washington Avenue from Spring Avenue to Turkey Avenue. The proposed PUD includes 125 residential lots, 5,500 square feet in size and 4.55 acres of open space. Access is proposed on Washington Street a little east of its intersection with Park Ridge Avenue. (Planning Commission voted 6-1 to deny)

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

Susan Fraser, SLF Consulting, Inc., asked the Board to continue this item to the December 12, 2017 Board of County Commissioner's Meeting.

Chairman Bolla opened the Public Hearing.

Bob Tatum, Tanglewood Drive, commented that there needs to be another alternative route to get to Blanding Boulevard without coming through the neighborhood.

Tamara Bradt, commented that the Planning Commission turned this item down because the homes do not fit the area and asked the Board to keep the recommendation of the Planning Commission in thought.

James Otto, 2910 Blanding Boulevard, Middleburg, Florida, spoke against the zoning, discussed looking at impact fees, foot traffic, bicycle problems, overbuilding and asked the Board to vote this down until after the enactment of full impact fees.

Chairman Bolla spoke about the need for addressing access to Blanding Boulevard.

After discussion, Vice-Chair Hutchings moved, seconded by Commissioner Rollins, and carried 5-0, to continue PUD 17-04 to the December 12, 2017 Board Meeting.

## **NEW BUSINESS**

### **10. FDOT County Incentive Grant Program and Highway Safety Improvement**

Dale Smith, Director of Engineering, presented the item for the Board's consideration.

After discussion, Vice-Chair Hutchings moved, seconded by Commissioner Rollins, to approve the FDOT County Incentive Grant Program as presented. James Otto, 2910 Blanding Boulevard, Middleburg, Florida, spoke in opposition to the County's prioritizing and asked the Board to keep impact fee money in Commissioner Rollins area. The motion carried 5-0.

### **11. Joint Grant Application with Putnam County for Sungarden Road and portions of Bellamy Road**

Dale Smith, Director of Engineering, presented the item for the Board's consideration.

After discussion, Commissioner Cella moved, seconded by Commissioner Hendry, and carried 5-0, to approve the joint grant application as presented.

### **12. Letter of Intent to acquire and develop land located approximately at the intersection of Old Jennings Road and Blanding Boulevard, Middleburg, Clay County, Florida**

The County was contacted by RaceTrac concerning acquisition of approximately 4.76 acres of County property located near the intersection of Old Jennings Road and Blanding Boulevard in

Middleburg.

Dale Smith, Director of Engineering, presented the item for the Board's consideration.

After discussion, Commissioner Hendry moved, seconded by Vice-Chair Hutchings, and carried 5-0, to approve the Letter of Intent as presented.

13. Discussion Regarding Medical Marijuana Treatment Center Dispensing Facilities

Input and direction from the Board on medical marijuana treatment center dispensing facilities in Clay County.

Ed Lehman, Planning Director, presented the item for the Board's consideration. He indicated that he was looking for direction, not a vote.

Commissioner Cella commented that he would like to see more restrictions on where the pharmacies/dispensaries are located.

Commissioner Rollins commented that those who do need medical marijuana have access to it, that there is value in waiting to see what occurs in other municipalities and that he was not in favor of broad base approval.

Vice-Chair Hutchings commented that she was not sure she is ready to make a decision, that she does not think the County is holding anything up, that she is of the opinion to wait and that she was not comfortable restricting pharmacy locations.

Commissioner Hendry commented that those who need it will have the opportunity to get it and that he would support a ban for now with a review scheduled from year to year as the need progresses.

Chairman Bolla commented that his research says the medical benefit is very small and that he is on the fence.

Mr. Lehman is to come back to the Board with a couple of alternatives.

County Manager Kopelousos summarized the Board's direction, in that the Board would like a forced mechanism where it comes back to the Board in a certain amount of time.

James Otto, 2910 Blanding Boulevard, Middleburg, Florida, commented that he was disappointed that Publix spent money in opposition and that he would offer his adult entertainment business for a dispensing license.

**COUNTY MANAGER/CLERK OF THE BOARD**

County Manager Kopelousos, Troy Nagle and Mike Price commented with regard to the request of United Health Care to utilize the public library meeting rooms.



The consensus of the Board was to not allow it.

## **COUNTY ATTORNEY**

None

## **TIME CERTAINS**

None

## **LETTERS FOR ACTION**

None

## **LETTERS OF DOCUMENTATION**

None

## **REORGANIZATION OF THE BCC**

Reorganization of the BCC

Vice-Chair Hutchings nominated Commissioner Rollins as the new Board Chairman. There were no other nominations and the Board gave its consensus to approve Commissioner Rollins as the new Board Chairman.

Commissioner Bolla turned the gavel over to Chairman Rollins.

Chairman Rollins nominated Commissioner Cella for Vice-Chair of the Board. There were no other nominations and the Board gave its consensus to approve Commissioner Cella as the new Vice-Chair of the Board.

The Board also gave its consensus that it was okay for Commissioner Bolla to continue to sign documents until the bank changes have been completed.

## **COMMISSIONERS' COMMENTS**

Commissioner Hutchings shared her appreciation for staff's continued good work on the storm clean-up.

Commissioner Bolla shared that his phone is not ringing nearly as much and that he has received some positive feedback from his constituents regarding post storm matters. He also shared his observations that the clean-up communications were good but not consistent and that he has received negative feedback regarding the post storm garbage pick-up.

Commissioner Cella thanked Commissioner Bolla for his service as Board Chairman and thanked Dale Smith for service above and beyond the call of duty.

Chairman Rollins thanked Commissioner Bolla for his service as Board Chairman, spoke of long term and short term goal discussions and stated that he would like to focus on communication to the public.

Chairman Rollins adjourned the meeting at 6:49 P.M.

Attest:

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Clerk of the Board

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Chairman or Vice-Chairman