

BAYMEADOWS COMMUNITY COUNCIL

BOARD MEETING

December 16, 2015 5:30 p.m. Los Prados Clubhouse

1. **Call to order:** The meeting was called to order by Frank Morgan, President, at 5:33 p.m.

2. **Attendees:**

Frank Morgan (Los Lagos)

Rick Butler (Linkside)

Fran Riedl (Los Prados)

Cliff Johnson (Putters Cove)

Mary Land-Hughes (Village Green One)

Kay Stratton (Village Green Master)

Laura Laseman (Linkside)

Virginia West (Village Green Two)

Andrea Letizia (Village Green Two)

Julie Becton (Los Prados)

Andy Land (Village Green One)

Jim Fisher (Putters Cove)

Kathleen Stansell (Village Green Three)

Absent:

Ken Haddix (Village Green Three)

OLD BUSINESS:

Frank Morgan, President, stated that he would like to go around the table and have everyone express their opinion of the presentation made by City Councilman Danny Becton on December 9, 2016.

Rick Butler: *The proposed agreement may be as good as it gets but he would like to see more of the vision plan incorporated into it.*

Kay Stratton: *Very positive about the drive through Starbucks and Panera – not familiar with Wawa. Would like to make sure that there is a provision in the agreement that all of Horton's units are included in the DSTD from the beginning to ensure that they participate financially in the improvements not being required by the City – i.e., Baymeadows Circle West (BCW) after Linkside.*

Fran Riedl: *Asked to pass until later in the meeting.*

Julie Becton: *Not at the meeting on 12/9 but received updates from Fran and Tom and has a good impression of the proposed agreement.*

Andrea Letizia: *Not at the meeting but received a copy of the proposal....*

Mary Land Hughes: *Not completely sold – is this the best that BCC can do to ensure the Vision Plan is implemented? Not happy with service station (Wawa)...*

Andy Land: *Deal is fairly reasonable – need to ensure that there is a written, signed off agreement by all parties so that there can be no changes when the wind blows in a different direction.*

Cliff Johnson: *Overall, the proposal was well organized with a solid flow and understandable concepts. Not excited about Wawa though. Must ensure Western Way/BOA is part/parcel of deal (biggest concern).*

Jim Fisher: *Danny Becton did a good job with the presentation and BOA negotiations. Agreed that the total number of Horton's units must be included in the DSTD from the get go.*

Virginia West and Kathleen Stansell said that they had not attended the December 9 meeting but like to know more.

Fran Riedl: *Expressed concern over Wawa (service stations were not to be included in zoning) – environmental questions and traffic concerns for Baymeadows Circle East (BCE). If approved, we need to be specific that the agreement (zoning exceptions) includes only Wawa, Starbucks and Panera.*

Frank Morgan stated that the concerns expressed may be due to a lack of total understanding. Everything will be stated in writing so it can't later be changed – it will be legally binding. BCC and our attorney will be involved in the development of the agreement to ensure our interests are clearly and precisely captured. The agreement will provide for the following:

- BOA agrees to move;
- Horton and other developers agree to put up the cash for BOA to move;
- A time table with penalties for non-performance;
- A permanent user specific site plan;
- All roads and drainage solutions are included with time table attached;
- A Plat to include all development;
- All new and redeveloped to be private roads not city streets so will that they will be part of the DSTD;
- Will the connector road between BCW and BCE in part of the DSTD? That is up to us and can be covered in the agreement.
- The City should require that Horton repair any damage to private roads as a result of the construction. Perhaps we can require that they only use certain roads for access with heavy construction vehicles/equipment.
- BCC can define other elements to be included in the agreement – sidewalks, gutters, etc.

- All new housing units and commercial parcels in the PUD will be included in the DSTD from the get go.
- BCC will specify that only if (a) these specific companies move in – Wawa, Starbucks and Panera (b) the bank is moved so that Western Way is developed into the ingress/egress point for BCW and (c) the comprehensive agreement is negotiated and executed by all parties – only then will the BCC compromise the zoning restrictions.
- Signage – Easements for a wall sign at each of the front entrances, placed on the diagonal, 40 to 50' long, identifying the neighborhoods could be included in the agreement.
- The Villages at Baymeadows Apartments sign should be moved as it is a safety hazard for those exiting BCE;
- Brenda Ezell is the appropriate attorney to work with the BCC on the agreement and in the creation of the DSTD;

Kathleen Stansell: asked if the back roads will be covered by the DSTD. Frank Morgan stated “if BCC elects to do that”. He further stated that BCC will determine what projects are to be in the initial DSTD budget and went on to explain that the DSTD board will be elected, will have an annual budget approved by the City Council, funds will be collected by the City via property taxes and the board will hire contractors.

He also stated that he has researched Wawa and its reputation is head and shoulders above that of any other convenience store. Other BCC members familiar with Wawa agreed.

Frank Morgan was asked how he feels about the proposal and he said it is the deal we are being offered and, if we turn it down, they could move ahead without us. Any future deal without BCC involvement could be worse.

He said that Horton has committed to contributing \$2.1M to the BOA move and that Ken Atlee (developer for Wawa) has committed to another \$0.5M for a total of \$2.6M.

He said that Mike Sands has provided a list of improvements that Horton will be required to make but that Bill Killingsworth might be willing to negotiate on these.

Frank Morgan stated that he will resign after the agreement is executed and turn future meetings over to the board. BCC can then work with Brenda Ezell and Terry Hull to develop the DSTD. We will need to figure out what we, as a neighborhood, want included and prepare a budget.

He said that while Las Casas and Lakeside are currently not part of BCC we should continue to work on bringing them back into the group as well as The Villages. Los Lagos' new board has agreed to continue to participate.

Frank Morgan said there is a new site plan as of today and he would email it to us but we should keep it confidential within the group until further notice. He said that he met with John Joyce (developer of

Starbucks and Panera) and Danny Becton last Friday and that Mr. Joyce has said that he will do everything he can to meet our vision for the development at our front door.

Frank Morgan stated that mobility fees go to the City and will probably not be used for further road development in our neighborhood. Horton, Atlee and Joyce will pay mobility fees and may get credits for re-developing BCE and BCW, but this must be approved by the City Council.

DOT is on board with Horton re-developing Western Way.

The Starbucks agreement is 90% done. Panera is in the talking stage only.

Danny Becton has said that the Mayor will support the proposal to move BOA – Frank is writing a letter to BOA from BCC. Danny Becton is meeting with the Mayor's Chief of Staff Wednesday and the BOA meeting should be within 10 days.

The goal is to finalize the comprehensive agreement within 90 days.

Wawa plans to simultaneously open 10 stores in this area and the Baymeadows location should be the first, so the 90 day delay should not be a problem.

Frank Morgan went on to update BCC on the Dog Park. He met with Katie Kelley and Danny Becton this afternoon and she has an executed contract to purchase 2 parcels from Horton. Her current lease expires in April 2016 and she would like to have the new dog park open by then. She told Frank Morgan that it is a clean deal with Horton. She believes that a dog park can be allowed under the current zoning by exception. Frank Morgan disagreed and suggested that she will need to rezone the two parcels. He believes that this may be an opportunity to take another bite out of the apple for BCC. Perhaps we could limit further uses and density. Danny Becton thinks that he can get re-zoning accomplished in 6 weeks.

Andy Land made the following motion: *"We the BCC authorize Frank Morgan, President, to write a letter of support to Katie Kelley (Dogwood Park of Jacksonville) regarding our conditional support for re-zoning of the two parcels belonging to DR Horton for use as a dog park"*.

Rick Butler seconded the motion. There was no discussion. The motion was approved unanimously.

We then discussed the possibility of Ms. Kelley purchasing the old Inn at Baymeadows for a future doggy day care. The owners of the Inn's permit died in June. Zoning Code Enforcement scheduled the complaint to go to the special magistrate's office – The Inn's attorney extended it until 1/12/2016.

Andy Land made the following motion: *"We the BCC authorize Frank Morgan, President, to write a letter to the Zoning Code Enforcement Special Magistrate regarding our official position on the Inn at Baymeadows becoming a public nuisance"*.

Cliff Johnson seconded the motion. There was no discussion. Motion was approved unanimously.

Frank Morgan stated that the next step is to provide Danny Becton with a statement of support to proceed with negotiations on Parcel 1 and the BOA/Western Way proposal.

Julie Becton stated that she brought the initial proposed motion from the 12/9/2016 meeting and requested some minor changes which were all included in the motion below.

Andy Land made the following motion: *“We, the BCC, hereby authorize Frank Morgan as President of the BCC, to execute a statement on behalf of the BCC Executive Committee, and to forward same to Danny Becton, as follows: We the Executive Committee members of the Baymeadows Community Council do hereby support the efforts of the proposal to make the realignment of Baymeadows Circle West and Western Way a priority in the redevelopment of our community. If, and only if, this realignment is realized by the agreement of Bank of America to relocate and upon the completion and the adoption of a recordable Comprehensive Development Agreement, signed by all parties, and further provided that a recorded Comprehensive Development Agreement that includes the property and ideals as set forth in the Vision Plan and that identifies the timing of the improvements to be constructed and paid for by the developer or its successor(s) in interest, is also approved and signed; Then and only then, the BCC will compromise to allow a rezoning of Parcel One for such uses that we have previously demanded be excluded. These uses included: 1) drive-thru facilities in conjunction with a permitted or permissible use or structure and 2) filling or gas stations meeting the performance standards and development criteria set forth in Part 4.”*

Julie Becton seconded the motion. There was no further discussion. The motion was unanimously approved.

NEW BUSINESS

Kay Stratton brought up the subject of Directors and Officers Liability Insurance to protect BCC Board members should the need arise. She has contacted Insuramerica – BCC can purchase D&O insurance for \$1250. We were provided with a questionnaire to complete and return – this may reduce the annual cost to approximately \$800.

Andy Land suggested we set the policy start date for January 2016. Frank Morgan brought up payment. Rick Butler, Treasurer, said we could agree to increase association dues to \$150 for 2016 and this would cover the maximum premium.

Rick Butler made the following motion: *“We the BCC approve increasing 2016 BCC dues from \$100 to \$150 per association in order to purchase Directors and Officers insurance for BCC board members – with a policy start date of 1/1/2016 or as soon thereafter as possible”.*

Cliff Johnson seconded the motion. It was further discussed that there are currently 8 associations comprising the BCC. As there was no more discussion, the motion was put to vote and approved unanimously.

There was no additional new business.

Rick Butler presented the Treasurer's Report. There is \$37,250.93 in the checking account and \$34,304.37 in the money market account for a total of \$71,554 in available funds. Funds committed are: INTERA - \$41,000 and Brenda Ezell, Attorney - \$12,500 for a total commitment of \$53,500.

A motion was made by Kay Stratton to approve the Treasurer's Report as provided. Jim Fisher seconded the motion. There was no discussion. The motion was approved by all.

There being no further business before the BCC this evening, the meeting was adjourned at 7:48 p.m.

Approved by: _____
Kay Stratton, Secretary

Date: _____