

IN THE CIRCUIT COURT OF THE
FOURTH JUDICIAL CIRCUIT
IN AND FOR NASSAU COUNTY,
FLORIDA

CASE NO.:

GENECE MINSHEW, City Commissioner
for the City of Fernandina Beach, Florida;
and TIMOTHY POYNTER, City
Commissioner for the City of Fernandina
Beach, Florida;

Plaintiffs,

vs.

PAT K. GASS, in her capacity as Chair of the
Recall FB of 2026 political committee; and
JANET ADKINS, in her official capacity as
Supervisor of Elections for Nassau County,
Florida,

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs, Genece Minshew (“Minshew”) and Timothy Poynter (“Poynter”), both City Commissioners for the City of Fernandina Beach, Florida, by and through undersigned counsel, hereby sue Defendants, Pat K. Gass, in her capacity as Chair of the Recall FB of 2026 political committee, (“Gass”) and Janet Adkins, in her official capacity as Supervisor of Elections for Nassau County, Florida (“Adkins” or “Supervisor of Elections”), and states as follows:

Overview

This action seeks judicial intervention to prevent the continuation of the municipal recall process against two duly elected City Commissioners that is based solely upon political disagreement. The alleged grounds, even if true, would not fall under the limited statutory grounds

upon which a recall may be brought under Section 100.361, Florida Statutes. As stated by the Florida Supreme Court: “We agree that the public policy underlying the legislative scheme does not mandate that officials who have been duly elected to their positions of responsibility should have to face an extraordinary recall election with every vote they cast or statement they make. . . . [v]oters may be angry with an elected official over how he or she voted on a controversial issue, the firing of a public employee upon taking office, how the officer behaved at some function, or a hundred other reasons — none of which is a valid ground for recall under [the applicable recall statute].” *Garvin v. Jerome*, 767 So. 2d 1190, 1193 (Fla. 2000) (citation omitted).

Jurisdiction, Venue and Parties

1. This is a cause of action for declaratory and related injunctive relief, pursuant to Chapter 86, Florida Statutes, seeking judicial review of the legal sufficiency of identical recall petitions filed against the two plaintiffs under Section 100.361, Florida Statutes.

2. The Court has jurisdiction to grant declaratory and injunctive relief pursuant to Section 86.011, Florida Statutes and Article 5, Section 5(b) of the Florida Constitution.

3. Venue is proper in Nassau County, Florida since the City of Fernandina Beach is located in Nassau County, Florida, all parties are located in Nassau County, Florida, and the events giving rise to this action occurred in Nassau County, Florida.

4. Plaintiff Minshew is a duly elected Commissioner for the City of Fernandina Beach (“City”), serving a four-year term, which commenced in November 2024. Minshew is one of the two targets of the recall effort challenged in this action.

5. Plaintiff Poynter is a duly elected Commissioner for the City, serving a four-year term, which commenced in November 2024. Poynter is one of the two targets of the recall effort challenged in this action.

6. Defendant Adkins is the Supervisor of Elections responsible for administering the statutory recall process, including verification of signatures and certification of recall petitions and elections in Nassau County, Florida.

7. Defendant Gass is the Chair of Recall FB 2026, the political committee sponsoring the recall petition challenged in this action (the "Recall Committee").

8. All conditions precedent to the maintenance of this action have occurred, been performed, or have otherwise been waived.

The Recall Petitions

9. In or about February, 2026, Gass, as Chair of the Recall Committee, initiated circulation of a recall petition against Plaintiffs pursuant to Section 100.361, Florida Statutes.

10. On or about February 27, 2026, the City Clerk's Office accepted receipt of recall petitions filed by Defendant Gass on behalf of the Recall Committee.

11. On or about that same date, the petitions were delivered by the City Clerk to Defendant Adkins, as the Nassau County Supervisor of Elections, for signature verification.

12. Pursuant to Section 100.361(1)(g)1., Florida Statutes, the deadline for Adkins to complete the signature verification is March 28, 2026.

13. Section 100.361(2)(d), Florida Statutes sets forth that the very limited grounds upon which a petition for removal of a municipal elected official may be based:

- a. Malfeasance;
- b. Misfeasance;
- c. Neglect of duty;
- d. Drunkenness;
- e. Incompetence;
- f. Permanent inability to perform official duties; and
- g. Conviction of a felony involving moral turpitude.

14. Judicial review is limited to these grounds in order to prevent abuse of the recall process through allegations that are merely political disagreement rather than misconduct.

15. Courts reviewing recall petitions are limited to determining whether the allegations in the petition, if assumed to be true, constitute one of the statutory grounds for recall and whether the allegations are legally sufficient. Allegations that merely reflect disagreement with policy decisions or legislative votes of elected officials are legally insufficient as a matter of law. *Garvin v. Jerome*, 767 So. 2d 1190 (Fla. 2000).

16. Here, the petitions filed by Defendant Gass, although couched in terms of misfeasance and neglect of duty, are in actuality merely political disagreement. The grounds set forth in the petitions against each plaintiff are the same:

Misfeasance: On October 21, 2025, voted to reject a certified citizen-initiated ordinance prohibiting paid parking without requiring or reviewing a comprehensive fiscal impact analysis on small businesses, tourism, and property values, violating the Commission's duty to enact measures for the public welfare and responsibly manage city finances under City Charter Article II (powers of the Commission) and Florida Statutes Section 166.021 (powers).

Neglect of Duty: On January 6, 2026, voted to approve and implement the paid parking ordinance despite a probable August 2026 voter referendum on the issue, failing to defer action for voter input as encouraged by citizen participation principles in Florida Statutes Section 166.041 (Procedures for adoption of Ordinances and Resolutions) and ignoring over 1,700 verified signatures highlighting economic harm to downtown vitality.

A copy of the petition directed at Minshew is attached as **Exhibit "A"**. A copy of the petition directed at Poynter is attached hereto as **Exhibit "B"**. These petitions are collectively referred to herein as the "Recall Petitions."

17. The stated basis for the first alleged ground of "misfeasance" demonstrates that it is not "misfeasance" but rather a political disagreement. The gravamen of this ground is the alleged votes purportedly taken by Minshew and Poynter "to reject a certified citizen-initiated ordinance

prohibiting paid parking.” The act of voting by a City Commissioner cannot constitute “misfeasance”; rather, Minshew and Poynter have the legal right to vote on matters brought before the City Commission and, in fact, it is one of their official duties as a City Commissioner. Moreover, no vote was even taken on the subject matter at the October 21, 2025, meeting. A motion was made to approve the ordinance, but the motion failed for lack of a second and therefore no vote occurred. Accordingly, the Recall Petitions’ allegation that Plaintiffs “voted to reject” the ordinance is factually incorrect. A copy of the Minutes from the October 21, 2025, meeting are attached hereto as **Exhibit “C”**.

18. The subsequent assertions in the first ground demonstrate the insufficiency, even if Minshew and Poynter had voted to reject the ordinance (which they did not). The specific charge is that because they did not require or review a comprehensive fiscal impact analysis on small businesses, tourism, and property values, they violated “the Commission’s duty to enact measures for the public welfare and responsibly manage city finances under City Charter Article II (powers of the Commission) and Florida Statutes Section 166.021 (powers).” Although City Commissioners certainly have the power to enact measures for the public welfare, there is no specific duty placed upon them to enact any specific measure just because some people (such as Gass) may feel it is in the interest of public welfare. In addition, the obligation to prepare and post a business impact statement on the City’s website was not triggered here because the challenged vote on October 21, 2025, was on first reading on an Ordinance that was never enacted. Under Section 166.041(4)(a), Florida Statutes (2025), the business impact statement requirement needs to be satisfied “before enactment of a proposed ordinance” – no ordinance was enacted here (or even passed on first reading) and thus there was no obligation (let alone an obligation on Minshew and Poynter) to prepare a business impact statement. Similarly, a resident’s belief that a specific

vote (or lack of vote) constitutes irresponsible management of city finances is not sufficient grounds for recall – it is merely political disagreement. Here, Gass merely disagrees with the decision by Minshew and Poynter not to second a motion to approve an ordinance.

19. The second ground fares no better. Although couched as “neglect of duty,” the second ground similarly is merely political disagreement. The petition complains that Minshew and Poynter, on January 6, 2026, voted to approve and implement the paid parking ordinance. Again, the act of voting by City Commissioners is certainly not “neglect of duty,” but is actually a required part of their duties. Then, the reasons why Gass states this was a neglect of duty – namely, that they should not have voted “yes” because there was a “probable August 2026 voter referendum on the issue”, and they should have waited for voter input and not ignore 1,700 signatures – shows that this is merely a political disagreement, not neglect of duty. Neither Minshew nor Poynter had a “duty” to wait to see the results of a possible voter referendum; they were fully within their rights to vote on January 6, 2026, and their doing so, as a matter of law, cannot constitute “neglect of duty.” Disagreeing with public sentiment cannot be the ground for a recall, even if 1700 people signed petitions on the issue.

20. But even if only one of the stated grounds is legally insufficient, the recall petition as a whole must be invalidated because Florida law requires that each ground stated in the petition be legally sufficient.

21. Unless enjoined, Defendant Adkins will proceed with certification and the recall process will continue, causing Minshew and Poynter irreparable harm, including the unlawful continuation of the recall process, disruption of official duties, and unnecessary expenditure of public funds.

COUNT I
DECLARATORY RELIEF

22. Minshew and Poynter reallege and incorporate by reference the allegations contained in paragraphs 1 through 21 inclusive, as if fully set forth herein.

23. This is an action for declaratory relief pursuant to Chapter 86, Florida Statutes, seeking to determine that the allegations set forth in the recall petitions are legally insufficient to support a recall election.

24. Minshew and Poynter contend that the recall petitions are legally insufficient as they do not allege conduct that can justify a recall election under Section 100.361, Florida Statutes.

25. Defendant Gass disagrees and contends that the petition is legally sufficient.

26. As such, an actual controversy exists between Plaintiffs and Defendant Gass.

27. There is a bona fide adverse interest between the Plaintiffs and Defendant Gass concerning the legal sufficiency of the recall petitions.

28. Furthermore, the declarations sought deal with a present, ascertained or ascertainable state of facts or present controversy as to a state of facts.

29. Moreover, the Plaintiffs seek to settle and obtain relief from insecurity and uncertainty.

30. The antagonistic and adverse interests are all before this Court.

31. The declaration sought does not amount to mere legal advice.

Prayer for Relief

WHEREFORE, the Plaintiffs, Genece Minshew and Timothy Poynter respectfully request that the Court enter a judgment:

- a. Declaring the Recall Petitions legally invalid;

- b. Declaring the allegations within the recall petition to be legally insufficient to justify a recall election; and
- c. Granting such other relief as this Court deems just and proper.

COUNT II
TEMPORARY AND PERMANENT INJUNCTIVE RELIEF

32. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 21 inclusive, as if fully set forth herein.

33. The Court may enjoin the Supervisor of Elections from placing the Recall Petition on the ballot where the recall petitions contain legally insufficient and invalid allegations. *See Garvin v. Jerome*, 767 So. 2d 1190 (Fla. 2000).

34. The Recall Petitions here are legally invalid and insufficient to support a recall election as, among other things, the allegations are based entirely on Plaintiffs' legitimate and authorized actions as City Commissioners – specifically, voting (or not voting) on matters brought before the City Commission.

35. Plaintiffs have no adequate remedy at law, and the elements necessary to support temporary and permanent injunctive relief are satisfied.

36. Plaintiffs have been irreparably harmed and will continue to be irreparably harmed if a recall election is set and a ballot containing legally invalid grounds is permitted.

37. Plaintiffs have a substantial likelihood of success on the merits.

38. The threatened injury to the Plaintiffs outweighs any potential harm to the Supervisor of Elections or to Gass.

39. The public interest will be served by the injunction.

Prayer for Relief

WHEREFORE, the Plaintiffs, Genece Minshew and Timothy Poynter, respectfully request that judgment be entered in their favor:

- (a) enjoining the Supervisor of Elections from: certifying the Recall Petitions; any further processing, actions or election on the Recall Petitions; validating signatures and delivering petitions to the City Clerk; placing the Recall Petitions on the ballot; and holding an election on the Recall Petitions;
- (b) enjoining the Recall Committee from continuing to collect and deliver petitions; and
- (c) granting such other relief as this Court deems just and proper.

Dated: March 6, 2026.

Respectfully submitted,

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Exhibit "A"

PETITION TO RECALL CITY COMMISSIONER, Seat 2 GENECE MINSHEW of Fernandina Beach, Nassau County, Florida Genece Minshew should be recalled from her elected office for the City of Fernandina Beach for misfeasance and neglect of duty as described below:

Misfeasance: On October 21, 2025, voted to reject a certified citizen-initiated ordinance prohibiting paid parking without requiring or reviewing a comprehensive fiscal impact analysis on small businesses, tourism, and property values, violating the Commission's duty to enact measures for the public welfare and responsibly manage city finances under City Charter Article II (powers of the Commission) and Florida Statutes Section 166.021 (powers).

Neglect of Duty: On January 6, 2026, voted to approve and implement the paid parking ordinance despite a probable August 2026 voter referendum on the issue, failing to defer action for voter input as encouraged by citizen participation principles in Florida Statutes Section 166.041 (Procedures for adoption of Ordinances and Resolutions) and ignoring over 1,700 verified signatures highlighting economic harm to downtown vitality.

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CITY CLERK'S OFFICE

CITY OF FERNANDINA BEACH

Each of the undersigned, for him or her state that:

- a. He or She has personally signed and read this petition
- b. He or She is a registered qualified elector of the city of Fernandina Beach, Nassau County, Florida
- c. His or Her place of residence, the date of his or her signing and other identifying information is correctly written after his or her name
- d. The petitioners designate Pat K. Gass as chair of the Recall FB of 2026 political committee.

Signature of Registered Elector _____

Date of Birth **OR** Voter Registration Number _____

Printed Name _____

Street Address _____

City _____ County _____

Date Petition Signed (MM/DD/YY) _____

OATH OF WITNESS

I, _____ witness the above person, signing the Petition to Recall City Commissioner Genece Minshew, that the above signature is the general signature of the person it purports to be, and that the petitions was signed in my presence on the date indicated. Under penalties of perjury, I declare that I have read the foregoing Oath of Witness and that the facts stated in it are true.

Witness Signature

Witness Printed Name

Date

Exhibit "B"

PETITION TO RECALL CITY COMMISSIONER, Seat 3 TIMOTHY M. POYNTER of Fernandina Beach, Nassau County, Florida Timothy M. Poynter should be recalled from his elected office for the City of Fernandina Beach for misfeasance and neglect of duty as described below:

Misfeasance: On October 21, 2025, voted to reject a certified citizen-initiated ordinance prohibiting paid parking without requiring or reviewing a comprehensive fiscal impact analysis on small businesses, tourism, and property values, violating the Commission's duty to enact measures for the public welfare and responsibly to manage city finances under City Charter Article II (powers of the Commission) and Florida Statute Section 166.021 (powers).

Neglect of Duty: On January 6, 2026, voted to approve and implement the paid parking ordinance despite a probable August 2026 voter referendum on the issue, failing to defer action for voter input as encouraged by citizen participation principles in Florida Statutes Section 166.041 (Procedures for of Ordinances and Resolutions) and ignoring over 1,700 verified signatures highlighting economic harm to downtown vitality.

JAN292026PM3:06

CITY CLERK'S OFFICE

CITY OF FERNANDINA BEACH

Each of the undersigned, for him or her state that:

- a. He or She has personally signed and read this petition
- b. He or She is a registered qualified elector of the city of Fernandina Beach, Nassau County, Florida
- c. His or Her place of residence, the date of his or her signing and other identifying information is correctly written after his or her name
- d. The petitioners designate Pat K. Gass as chair of the Recall FB of 2026 political committee.

Signature of Registered Elector _____

Date of Birth **OR** Voter Registration Number _____

Printed Name _____

Street Address _____

City _____ County _____

Date Petition Signed (MM/DD/YY) _____

OATH OF WITNESS

I, _____ witness the above person, signing the Petition to Recall City Commissioner Timothy M. Poynter that the above signature is the general signature of the person it purports to be, and that the petitions was signed in my presence on the date indicated. Under penalties of perjury, I declare that I have read the foregoing Oath of Witness and that the facts stated in it are true.

Witness Signature

Witness Printed Name

Date

The City Commission of the City of Fernandina Beach, Florida, met in a Regular Meeting on Tuesday, October 21, 2025, at 6:00PM in City Hall Chambers. Present were Mayor James Antun presiding, Vice-Mayor Darron Ayscue, Commissioners Genece Minshew, Tim Poynter, and Joyce Tuten. Also in attendance were City Clerk Caroline Best, City Manager Sarah Campbell and City Attorney Teresa L. Prince.

The meeting was broadcast live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

Mayor Antun called the meeting to order, and Commissioner Poynter led the Pledge of Allegiance to the Flag.

The invocation was given by Reverend Noel Roberts of the North 14th Street Baptist Church.

4.1 PROCLAMATION: Mayor Antun read the Proclamation in full, recognizing Deputy Chief of Police David Bishop upon his retirement after forty years of dedicated service to the City of Fernandina Beach. Deputy Chief Bishop retires October 31, 2025, and was in attendance to accept.

4.2 PROCLAMATION - "RIGHT WHALE MONTH": Mayor Antun read the Proclamation in full, recognizing November 2025 as "Right Whale Month." Amelia Island Whale Ambassadors Candis Whitney, Scott Rowley, and Krissi Barr were in attendance to accept the Proclamation.

4.3 PRESENTATION — FLORIDA PUBLIC UTILITIES COMPANY — COMMUNITY UPDATE: FPUC representatives Director External Affairs Victoria Price Langan, Assistant Vice President Operations Will Haffecke, and Assistant Vice President Customer Operations Kim Estrada were present and provided a community update presentation.

4.4 BUDGET SUMMARY: Comptroller Susan Carless reviewed the September 2025 budget summary and was available to answer any questions.

4.3 PROJECT UPDATES: Deputy City Manager Jeremiah Glisson provided an update on current and/or pending project as follows:

5. PUBLIC COMMENT REGARDING ITEMS NOT ON THE AGENDA OR ITEMS ON THE CONSENT AGENDA: The following individuals spoke to this item:

FLORIDA PUBLIC UTILITIES: Pete Wilking, 1551 Lisa Avenue, A1A Solar owner, advocated on behalf of customers who have Florida Public Utilities billing issues and complaints.

TRAFFIC SAFETY: Miriam Hill, 10 North 15th Street, attorney representing John and Kathy Stevenson, 2029 Atlantic Avenue, numerous cars crash into their home at the intersection of Atlantic Avenue and Citrona Drive, implored immediate safety implementation to the roadways. *Mayor Antun requested staff research Ms. Hill's concerns.*

THANKS AND CUSTOMER SERVICE: Paul Lore, 11 South 7th Street, thanked the Police Department for their participation in a recent Veterans suicide awareness event. Raised concerns regarding his initiative to restore a historic home and his interaction with the Code Enforcement Department.

BANK RATES: Alan Hopkins, 2272 Pirates Bay Drive, concerned the City's current banking institution rates are not favorable, suggested thorough review be conducted

SHOUTOUTS: Waldemar Borrero, 31 South 5th Street, thanked the Commission for their support of Breast Cancer Awareness Month; 3rd Annual Right Whale Month Skate Competition was a success; Florida Public Utilities has always provided good customer service; local skateboard Olympian Poe Pinson turned Pro, and three local teenagers, Coco, Prim, and Marigold Waldo are competing in a national women's skate competition this November.

LIGHTING/MARINA: Julie Ferreira, 501 Date Street, requested the City catalog lighting

fixtures and work with Florida Public Utilities to provide new luminosity and color to create ambiance. Ms. Ferreira also inquired if the City planned to take over the Marina if the current management company goes out of business.

6. CONSENT AGENDA: The following three items were on the Consent Agenda and were approved by one motion.

6.1 RESOLUTION 2025-189 APPROVING ACCEPTANCE OF A FLORIDA DEPARTMENT OF FINANCIAL SERVICES DIVISION OF STATE FIRE MARSHAL GRANT AWARD FROM THE DECONTAMINATION EQUIPMENT GRANT PROGRAM FOR THE ACQUISITION OF A FIRE DEPARTMENT EXHAUST GAS REMOVAL SYSTEM IN FISCAL YEAR 2025/2026: According to the agenda support documents, Resolution 2025-189 accepts the Florida Department of Financial Services Division of State Fire Marshal Grant Award for a Fire Department Exhaust Gas Removal System ("EGRS"), in the amount of \$41,789. **A motion was made by Commissioner Minshew, seconded by Commissioner Poynter, to approve Resolution 2025-189. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.2 RESOLUTION 2025-190 APPROVING AMENDMENTS TO THE BUDGET FOR FISCAL YEAR 2024/2025: According to the agenda support documents, Resolution 2025-190 approves the transfer of funds in various Departments and various accounts in the Fiscal Year 2024/2025 budget to ensure expenditures do not exceed the budget on a line-by-line basis. **A motion was made by Commissioner Minshew, seconded by Commissioner Poynter, to approve Resolution 2025-190. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

6.3 RESOLUTION 2025-191 APPROVING A NORTH 2ND STREET STREETScape REDEVELOPMENT PROJECT BUDGET TRANSFER: According to the agenda support documents, Resolution 2025-191 approving a budget transfer to complete North 2nd Street redevelopment (Project #25073), in the amount of \$137,611. **A motion was made by Commissioner Minshew, seconded by Commissioner Poynter to approve Resolution 2025-191. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.1 RESOLUTION 2025-183 AUTHORIZING THE CITY ATTORNEY TO TAKE ACTION AS REQUIRED BY STATUTE IN THE MATTER OF RAYONIER PERFORMANCE FIBERS, LLC'S NOTICE UNDER THE BERT J. HARRIS JR. PRIVATE PROPERTY RIGHTS PROTECTION ACT; AUTHORIZING THE CITY COMMISSION'S RESPONSE TO THE CLAIM: According to the agenda support documents, Resolution 2025-183 provides direction to the City Attorney in the above-mentioned matter. This item was first considered during October 7, 2025, regular meeting and continued. City Attorney Prince provided an update and recommended continuance to the November 4, 2025, City Commission regular meeting.

Weiss Serota Partner Samuel Zeskind, in remote attendance, representing the City in state and federal claims files by Rayonier Performance Fibers, LLC ("RYAM"). Noted that at the last City Commission meeting, Commissioners asked that legal counsel explore further directives. Although multiple conversations have since occurred, legal counsel still needs additional discussion, items, and time.

BIOETHANOL: Dr. Lisa White, 814 South 6th Street, not in support of proposed bioethanol plant.

LIGNOTECH: Taina Christner, 406 Beech Street, noted that in 2016, RYAM approached the City with a Lignotech proposal. At that time, resident Julie Ferreira asked whether RYAM intended to build a bioethanol plant. Ms. Christner submitted a letter into the record noting the City may have a potential estoppel case.

BIOETHANOL: Richard Deem, 4104 Dunewood Place, not in support of the proposed bioethanol plant.

BIOETHANOL: Susan Ackenburg, 1741 Neighbor Street, not in support of the proposed bioethanol plant.

BIOETHANOL: Christopher Bidwell, 2434 Canterbury Lane, not in support of the proposed bioethanol plant.

BIOETHANOL: Cathy Schofield, 2603 Portside Drive, not in support of the proposed bioethanol plant.

BIOETHANOL: Jack Imber, 1003 Broome Street, not in support of the proposed bioethanol plant.

BIOETHANOL: Julie Ferreira, 501 Date Street, not in support of the proposed bioethanol plant.

BIOETHANOL: Sandy Kerry, 1255 Forrest Drive, not in support of proposed bioethanol plant and submitted a presentation.

BIOETHANOL: Franklin Heilman, 1559 Plantation Oaks Terrace, not in support of proposed bioethanol plant.

BIOETHANOL: Margaret Kirkland, 1377 Plantation Point Drive, representing Conserve Nassau, not in support of proposed bioethanol plant.

A motion was made by Commissioner Minshew, seconded by Commissioner Poynter to, on the advice of legal counsel, continue Resolution 2025-183 to the November 4, 2025, City Commission regular meeting. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

7.2 RESOLUTION 2025-192 APPROVING A LEASE AGREEMENT BETWEEN AMELIA ISLAND PIRATE VOYAGES, LLC AND THE CITY OF FERNANDINA BEACH FOR LAND FOR A TICKET KIOSK AT THE FERNANDINA BEACH HARBOR MARINA: According to the agenda support documents, Resolution 2025-192 approves a one-year (optional renewals) lease agreement with Amelia Island Pirate Voyages, LLC, to operate a ticket kiosk at the Fernandina Harbor Marina and land to construct a temporary ticket kiosk. **A motion was made by Commissioner Poynter, seconded by Commissioner Minshew, to approve Resolution 2025-192. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.3 RESOLUTION 2025-193 APPROVING A FACILITIES USE AGREEMENT WITH COALITION FOR THE HOMELESS OF NASSAU COUNTY, INC. FOR USE OF THE MLK RECREATION CENTER PATRICIA A. THOMPSON AUDITORIUM FOR EMERGENCY COLD WEATHER SHELTERS FROM OCTOBER 1, 2025, THROUGH SEPTEMBER 30, 2026: According to the agenda support documents, Resolution 2025-193 approves a Facilities Use Agreement with the Coalition for the Homeless Nassau County, Inc., to provide cold-weather emergency shelter on an as-needed basis for one year term from October 1, 2025, through September 30, 2026, with the option to extend the agreement for two one-year terms if agreed upon by both parties. **A motion was made by Commissioner Poynter, seconded by Commissioner Minshew, to approve Resolution 2025-193. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.4 RESOLUTION 2025-194 APPROVING KIMLEY-HORN AND ASSOCIATES, INC. CHANGE ORDER NO. 3 FOR STREETSCAPE DESIGN AND ENGINEERING FOR THE DOWNTOWN REVITALIZATION: 3RD THROUGH 6TH STREETS FROM ASH TO ALACHUA STREETS: According to the agenda support documents, Resolution 2025-194 approves Kimley Horn and Associates, Inc. Change Order No. 3 for design and engineering documents the streetscape of 3rd through 6th Streets from Ash to Alachua Streets within the Downtown area, in the amount of \$200,000. **A motion was made by Commissioner Poynter, seconded by Commissioner Minshew, to approve Resolution 2025-194. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.5 RESOLUTION 2025-195 APPROVING AN INTERLOCAL AGREEMENT WITH THE BUYBOARD NATIONAL PURCHASING COOPERATIVE FOR

COOPERATIVE PURCHASING AGREEMENTS: According to the agenda support documents, Resolution 2025-195 approves an agreement to join Buyboard National Purchasing Cooperative to expand the City's purchasing options for competitive solicitation. **A motion was made by Commissioner Minshew, seconded by Commissioner Poynter, to approve Resolution 2025-195. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

7.6 RESOLUTION 2025-196 APPROVING THE CLEARGOV BUDGET SOFTWARE PURCHASE FOR FISCAL YEAR 2025/2026: According to the agenda support documents, Resolution 2025-196 approves the purchase of software in the amount of \$74,000 to improve the process of developing and publishing the annual budget and enable the community to access budget data in a user-friendly interface. **A motion was made by Commissioner Poynter, seconded by Commissioner Minshew, to approve Resolution 2025-196. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

8.1 FIRST READING OF ORDINANCE 2025-11: City Attorney Prince read Ordinance 2025-11 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, PROHIBITING PAID PARKING IN DESIGNATED AREAS, INCLUDING BUT NOT LIMITED TO, HISTORIC DOWNTOWN AND BEACHES; AUTHORIZING ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents, Ordinance 2025-11 was considered in accordance with Charter Section 141 a citizen organized Paid Parking committee was created in response to the downtown paid parking implementation as a means to fund necessary capital improvement projects.

PAID PARKING: Marisol Triana, 344 Tarpon Avenue, not in support of paid parking.

PAID PARKING: Reverend Dawn Mays, 510 Alachua Street, First Presbyterian Church Reverend, not in support of paid parking.

PAID PARKING: Shelia Freise, 2811 Turtle Shores Drive, not in support of paid parking.

PAID PARKING: Craig Nemier, 2740-A Ocklawaha Avenue, not in support of paid parking.

PAID PARKING: Jenay Wodehouse, 909 Cedar Street, not in support of paid parking.

PAID PARKING: Mac Morriss, 821 Parkview Place East, not in support of paid parking.

PAID PARKING: Jack Imber, 1003 Broome Street, not in support of paid parking.

PAID PARKING: Ashley Alexander, 1318 Fir Street, not in support of paid parking, Commissioner Poynter should recuse himself.

PAID PARKING: Julie Ferreira, 501 Date Street, not in support of paid parking or vehicle license plate reader technology.

PAID PARKING: Andrea Lee, 203 South 18th Street, not in support of paid parking.

PAID PARKING: Roger Martin, 1517 Atlantic Avenue, Commissioners are in violation of the public officer's code of ethics which prevents them from acting in their own financial interests and in violation if Commissioners campaigned against paid parking.

PAID PARKING: Paul Lore, 11 South 7th Street, not in support of paid parking.

Vice Mayor Ayscue stated he's reviewed the paid parking process avenues, noted that City Attorney Prince indicated paid parking cannot be retroactive, and urged his fellow Commissioners to let the people vote on the matter. City Attorney Prince stated the proposed ordinance, once adopted, could be overturned by a four/fifth's vote of the Commission. **A motion was made by Vice Mayor Ayscue to approve Ordinance 2025-**

11, due to lack of a second, the motion failed.

8.2 FIRST READING OF ORDINANCE 2025-12: City Attorney Prince read Ordinance 2025-12 by title only, which was as follows: "AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, FINANCE BY AMENDING SECTION 2-412, BUDGET AMENDMENTS/TRANSFER OF FUNDS TO INCREASE THE CITY MANAGER'S BUDGET TRANSFER AUTHORITY FROM \$25,000 FOR INTERDEPARTMENTAL TRANSFERS AND \$15,000 FOR DIVISION TRANSFERS TO \$50,000 FOR ALL TRANSFERS; AMENDING SECTION 2-426 EXCEPTIONS AUTHORIZING THE CITY MANAGER TO APPROVE CHANGE ORDERS FOR CONTRACTS IN AN AMOUNT NOT TO EXCEED THE LESSER OF TEN PERCENT OF THE TOTAL CONTRACT AMOUNT OR \$250,000 IF BUDGETED; AUTHORIZING ADMINISTRATIVE CORRECTIONS OF SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE." According to the agenda support documents, Ordinance 2025-12 approves increasing the City Manager's spending authority for budget transfers and change orders. City Attorney Prince stated the stricken language (as submitted) is in Charter Section 74, requested the stricken language be retained.

TRANSFER AUTHORITY: Sandy Kerry, 1255 Forrest Drive, Charter amendments cannot occur at the City Commission level, unable to locate in the Code of Ordinances where the transfer authority is \$25,000.

THANKS: Paul Nolen, 4167 South Fletcher Avenue, expressed thanks to all in attendance for wearing pink this evening in observation of Breast Cancer Awareness Month.

TRANSFER AUTHORITY: Julie Ferreira, 501 Date Street, not in support of increasing City Manager spending authority.

A motion was made by Commissioner Minshew, seconded by Commissioner Poynter, to approve Ordinance 2025-12, as amended, to retain Charter Section 74 language. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

9.1 GENERAL EMPLOYEES' PENSION PLAN: According to the agenda support documents, there was one General Employees Pension Plan 5th Trustee reappointment. **A motion was made by Commissioner Minshew, seconded by Commissioner Poynter, to reappoint 5th Trustee Steven Gibb. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

10.1 CHARTER OFFICER PERFORMANCE APPRAISALS: According to the agenda support documents, this item is placed on the agenda in accordance with Charter Section 17(c): "*the Mayor ensures that every Commissioner completes an annual performance evaluation for each Charter Officer*". City Manager Campbell provided a presentation related to projects and initiatives. Commissioner Poynter gave a positive review of City Clerk Best and City Manager Campbell. Commissioner Minshew concurred and suggested revising the performance review form. Commissioner Tuten submitted written evaluations and bestowed praise to City Clerk Best for her commitment, attention to detail, and suggested a succession program be implemented for the Clerk's Office. Vice Mayor Ayscue echoed City Clerk Best and City Manager Campbell praise, and noted the Charter Officer performance review process is flawed.

CITY MANAGER REPORTS:

MARINA: City Manager Campbell gave an update on the Snag-A-Slip platform that is dissolving, and no further information is available at this time.

CITY CLERK REPORTS:

THANK YOU: City Clerk Best thanked the Commission for the positive performance evaluation and the pleasure of working with the City.

CITY ATTORNEY REPORTS: City Attorney Prince had no reports at this time.

MAYOR/COMMISSIONER COMMENTS:

DRONES: Vice Mayor Ayscue dispelled a social media rumor regarding drones and surveillance on houses.

EVENTS: Commissioner Tuten praised the recent Hispanic Food Festival and Nassau Humane Society Barktober events and reminded all of the upcoming Community Garden Open House Saturday November 15 3-5pm at the airport.

CONFERENCE: Commissioner Tuten recently attended the Florida League of Cities and served on a committee.

STORMWATER: Commissioner Tuten shared concerns for downtown stormwater,

flooding, aging infrastructure and the need for funding and explained the magnitude of impact to the community.

EVENTS: Commissioner Minshew expressed pride in representing the City at two recent Florida League of Cities events.

GOLF: Commissioner Minshew acknowledged the recent annual Women's Golf League 27-hole golf event that was a great success.

ACKNOWLEDGEMENT: Commissioner Minshew acknowledged October as Breast Cancer Awareness month and her dearly departed mother and cousin, Ross, who both battled the disease.

PETITION: Commissioner Minshew sought consensus to authorize Grants Administrator Lorelei Jacobs to sign on behalf of the City regarding the Thousand Friends of Florida petition amendment to Senate Bill 180. *The City Commission reached majority consensus (Nay: Vice Mayor Ayscue) to authorize Grants Administrator Lorelei Jacobs to sign the Thousand Friends of Florida petition.*

PAID PARKING: Commissioner Poynter requested consensus to propose paid parking be on the August 2026 ballot. *The City Commission reached majority consensus (Nay: Vice Mayor Ayscue) to direct staff to place the paid parking initiative on the August 18, 2026, Primary Election ballot.*

COMMUNITY OUTREACH: Commissioner Poynter will be available on the fourth Tuesday of each month 5:30-6:30pm in City Hall Chambers for open discussion.

FUNDRAISER: Mayor Antun announced the Fire Department's annual Breast Cancer fundraiser has shirts, hoodies and more available for purchase at tinyurl.com/fbfdpink25.com; proceeds help provide time sensitive breast cancer screenings for the community.

EVENT: Mayor Antun announced the annual downtown Trick or Treat Friday October 31 10:00AM-12:00PM.

THANK YOU: Mayor Antun thanked the community for their input and encouraged participation in City government.

ADJOURNMENT: There being no further business to come before the City Commission, the meeting was adjourned at 9:29PM.

ATTEST:



Caroline Best
City Clerk



James Antun
Mayor-Commissioner