

Minutes of Regular City Council Meeting  
held Monday, February 4, 2019 at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida



**OPENING CEREMONIES**

Council Member Vogelsang provided the Invocation, followed by the salute to the flag.

**CALL TO ORDER**

Mayor Latham called the meeting to order at 7:10 P.M.

**ROLL CALL**

Mayor: William C. Latham

Council Members: Keith Doherty      Georgette Dumont      Sandy Golding  
Christine Hoffman      Cory Nichols      Phil Vogelsang

Also present were City Manager Mike Staffopoulos and City Attorney Susan Erdelyi.

Mayor Latham introduced and welcomed new City Manager Mike Staffopoulos.

**APPROVAL OF MINUTES**

It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to adopt the following minutes:

- Council Briefing held January 22, 2019

Council Member Golding requested the minutes of the Council Briefing held on January 22, 2019, be amended to correct a scrivener's error in the spelling of the Heinz family name.

Voice Vote: Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, and Mayor Latham.

The motion passed unanimously.

It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, and passed unanimously, to adopt the following minutes:

- Regular Council Meeting held January 22, 2019

**ANNOUNCEMENTS**

Ms. Golding announced Beaches Watch would be having a State of the Beaches meeting on February 6, 2019, at the Beaches Branch Library, and Mayor Latham would give a State of the City address.

### **COURTESY OF THE FLOOR TO VISITORS**

- Joe Loretta, 1337 Green Heron Court, Jacksonville Beach, spoke about variance requests in the City, and recommended a review of the Land Development Code as previously discussed by the Council. Mr. Loretta also mentioned he thinks the Council should be made aware of the land use lawsuits affecting the City.
- Sandy Bittner, 3616 Sanctuary Way South, Jacksonville Beach, spoke about the girls softball program in Jacksonville Beach. The program is seeking funding for field lighting in the 2020 budget. A handout was provided [on file].
- Mick DuRocher, 41 Millie Drive, Jacksonville Beach, shared his concern regarding a pothole on Sanctuary Parkway. Mr. DuRocher said he believes it is a misappropriation of assets to use large Beaches Energy Services bucket trucks on the east side of 3<sup>rd</sup> Street doing maintenance work when the utilities in that area are underground. Mr. DuRocher also stated he approved of any improvements to the Shetter Avenue area.
- Janice Smith, 410 4<sup>th</sup> Avenue South, Jacksonville Beach, spoke about funding for improvements for the park at the Carver Center. Ms. Smith also spoke about the traffic on Shetter Avenue and 6<sup>th</sup> Avenue South, and her concern the addition of a brewery would increase the chance of someone getting hurt.
- Shandy Thompson, 522 3<sup>rd</sup> Avenue South, Jacksonville Beach, discussed including funding in the budget for all Jacksonville Beach police officers to have body cameras.
- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach, spoke in regards to the Downtown area and encouraged continued action on the 2007 Downtown Vision Plan and 2015 Downtown Action Plan.

### **MAYOR AND CITY COUNCIL**

#### **CITY CLERK**

#### **CITY MANAGER**

#### **Item #19-016 – Approve projects for the FY 2019-2020 Community Development Block Grant (CDBG) application to the City of Jacksonville**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the Mayor and City Manager to submit a Community Development Block Grant Application for fiscal year 2019-2020 as described in the memorandum from the Director of Parks and Recreation dated January 23, 2019.

Mr. Staffopoulos explained we are partners with City of Jacksonville on CDBG funding, which comes from the federal government. The application is requesting funding for two programs, the Community Assisted Policing Effort (CAPE) and continuing programs at the Carver Center. The total funding needed is \$187,000. It is not known if we would get the full amount of funding from City of Jacksonville, but if we get partial funding, we would try to supplement from other funding sources or scale back any of the services as necessary.

Ms. Dumont inquired if the funds in the application are used for salaries and benefits only or if it also includes the programs. Parks and Recreation Director Jason Phitides stated the CDBG funds are used only for salary and benefits. The funding for the programs is part of the City's contribution to the matching funds as required by the CDBG application.

**Roll Call Vote:** Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham.  
The motion passed unanimously.

**Item #19-017 – Approve an increase to the current golf cart fleet by 10 golf carts**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve an increase to the current golf cart fleet by ten (10) golf carts, including GPS systems.

Mr. Staffopoulos explained there has been an increase in the demand for play since the reopening of the golf course. He stated since there is an existing lease for the carts and GPS, in effect since 2018, the City plans to add the additional golf carts with GPS to the remaining 55 months of the lease.

**Discussion:** Mr. Doherty spoke about the benefits of carts with GPS, the need for additional carts, and the success of the golf course.

Ms. Golding asked where the funds were coming from. Golf Course Facility Manager Bruce Mohler stated the funds are from operating income. Ms. Dumont questioned the request for additional carts when Mr. Mohler previously stated they were trying to slow down play because of overuse of the course, which is stressful on the grass. Mr. Mohler advised it would allow more flexibility to address the issue they currently have making carts available for afternoon tee times and for planning the expected increase in play beginning in the spring months.

Mayor Latham inquired about the current traffic at the golf course. Mr. Mohler stated tee times are booked from 7:27 A.M. to 5:12 P.M., the financials are good, and the average time for a round is currently 3 hours 56 minutes.

**Roll Call Vote:** Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham  
The motion passed unanimously.

**Item #19-018 – Award RFP No. 02-1819 for Special Events Production Services to PRI Productions**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to award RFP No. 02-1819 for Special Events Production Services to PRI Productions for a period of five (5) years as described in the memorandum from the Director of Parks and Recreation dated January 23, 2019.

Mr. Staffopoulos explained the services are mainly for the annual jazz concerts and the Moonlight Movies series. He stated PRI Production Services was the only company that responded to the RFP of the three companies sent direct mailings. Mr. Staffopoulos said the City has worked with PRI the last four years and they have not increased their prices.

**Discussion:** Mr. Vogelsang asked about the two other companies contacted and if PRI had been asked about sponsoring events to lower their cost. Mr. Phitides responded PRI produces these events at a reduced rate because the events provide a lot of promotion.

Ms. Golding asked who is on the Special Events Committee. Mr. Phitides stated the committee members are from the Police Department, Building Maintenance Division, Fire Department, Parks and Recreation, and occasionally Ocean Rescue.

**Roll Call Vote:** Ayes –Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham  
The motion passed unanimously.

**Item #19-019 – Award RFP No. 01-1819 for the Pay and Classification Study to the highest ranked respondent, Evergreen Solutions, LLC**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to award RFP Number 01-1819 for Pay and Classification Study to the highest ranked respondent, Evergreen Solutions, LLC, and authorize the City Manager to enter into a contract with Evergreen Solutions, LLC, to perform the study.

Mr. Staffopoulos stated a compensation and pay study would be conducted to make sure our pay and benefits are in line with where they should be.

**Roll Call Vote:** Ayes – Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, Mayor Latham  
The motion passed unanimously.

**Item #19-020 – Authorize a First Amendment to Easement Agreement regarding the property at 221 North 1<sup>st</sup> Street**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to authorize the execution of the First Amendment to Easement Agreement between 221 Surfside Holdings, LLC, and the City of Jacksonville Beach by the City Manager and Mayor.

Mr. Staffopoulos explained years ago there was a vacation of right of way and a portion was given back to the original parcels of record as is required by state law. The legal description of the property in question (221 North 1<sup>st</sup> Street) was never properly updated. The property is undergoing a property transaction and needs the legal description cleared up to proceed with the transaction.

**Roll Call Vote:** Ayes - Nichols, Vogelsang, Doherty, Dumont, Golding, Hoffman, Mayor Latham  
The motion passed unanimously.

**ORDINANCES:**

**Item #19-021 – ORDINANCE NO. 2019-8115 (Second Reading) (Public Hearing)**

Mayor Latham requested the City Clerk read Ordinance No. 2019-8115 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE IV. DEFINITIONS TO MODIFY THE DEFINITION FOR “MICROBREWERY” AND TO ADD A DEFINITION FOR “TASTING ROOM” FOR THE INCORPORATED AREA OF THE CITY, AND TO PROVIDE FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance for the amendment of the Land Development Code is before this Council for a public hearing and consideration on its second reading. Under the laws of the State of Florida, ordinances which change the actual list of permitted, conditional, or prohibited uses within a zoning category, or which otherwise changes the text of the Land Development Code, is a 'quasi-legislative' proceeding. A quasi-legislative proceeding means that a governing body is acting in its rule-making capacity.

It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed uses within a zoning category.

The application has been reviewed by Staff and the Planning Commission for consistency with other portions of the Land Development Code and the Comprehensive Plan. The Council may hear from all interested parties in the legislative determination of an amendment to the text of the Land Development Code.

The Council's decision on a text amendment application is based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria.”

### **Public Hearing**

Mayor Latham opened the public hearing on Ordinance No. 2019-8115.

Director of Planning and Development Bill Mann stated the amendment requested by the Council at the first reading has been incorporated into the second reading of this Ordinance.

Mayor Latham called the names of the people who wished to speak.

The following people support the agenda item but did not wish to address the Council:

- Nancy Turner, 98 Jardin De Mer Place, Jacksonville Beach
- Nicole Parish, 13813 Zion Gate Court, Jacksonville
- Jeff DeAngelis, 1122 Hamlet Court, Neptune Beach
- Will Vogt, 404 Margaret Street, Neptune Beach
- Matt Shaw, 394 Sargo Road, Atlantic Beach
- Kassie Ashburn, 405 Lower 8<sup>th</sup> Avenue South, Jacksonville Beach
- Kiara Sanchez, 3050 Tamaya Boulevard, Jacksonville

- Kimmy Cottin, 417 8<sup>th</sup> Avenue North, Jacksonville Beach
- Erica Neybursky, P. O. Box 51266, Jacksonville Beach
- Haley Guiette, 1716 1<sup>st</sup> Street, Neptune Beach
- Jonar Delmundo, 221 Discovery Way, Jacksonville

The following people spoke in favor of the agenda item:

- Shandy Thompson, 522 3<sup>rd</sup> Avenue South, Jacksonville Beach
- Chris Griffith, 1962 Ibis Point Lane, Jacksonville [speaker card completed to speak, but was not present when name was called]
- Greg Burghardt, 736 7<sup>th</sup> Avenue North, Jacksonville Beach
- Jay Dodson, 1626 Oak Terrace West, Atlantic Beach
- Terry DeLoach, 405 32<sup>nd</sup> Avenue South, Jacksonville Beach
- Mike Sasser, 208 Oceanwood Drive, Jacksonville Beach
- Tye Wallace, 709 4<sup>th</sup> Avenue North, Jacksonville Beach
- Sam Thomas, 2249 South Beach Parkway, Jacksonville Beach
- Willie McLaurin, 102 11<sup>th</sup> Street South, Jacksonville Beach
- Aaron Meisenheimer, 102 6<sup>th</sup> Avenue North, Jacksonville Beach
- Scott Whatley, 224 Oleander Street, Neptune Beach [speaker card completed to speak, but was not present when name was called]

The following people spoke in opposition of the agenda item:

- Gregory Austin, 12318 Hollow Glade Court, Jacksonville (representing the church located at 119 6<sup>th</sup> Street South, Jacksonville Beach)

Mayor Latham closed the Public Hearing.

“Before requesting a motion on this ordinance, beginning with myself, each of the members is requested to indicate for the record both the names of persons and the substance of any ex parte communications regarding this application. An ex parte communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision, which occurred outside of the public hearing process.”

Mayor Latham stated he received a letter from Tye Wallace. He also held a Town Hall meeting at the Carver Center and this item was discussed.

Mr. Nichols stated he spoke with Tye Wallace regarding continuing with the process.

Ms. Dumont stated she received an email from Tye Wallace, but did not reply.

Mr. Vogelsang stated he received an email from Tye Wallace and had communication about the amended language.

Ms. Hoffman stated she received an email from Tye Wallace, and spoke to him about the contents of his email.

Mr. Doherty stated he received an email from Tye Wallace going over the previous meeting and asking if he had any questions or concerns.

Ms. Golding stated she received an email from Tye Wallace. Mr. Wallace also called and left her a voice message, but she was unable to return the call prior to the meeting. Ms. Golding received a call from Terry DeLoach, and spoke again following the memorial service for former Mayor Fland Sharp.

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance No. 2019-8115, as amended, to modify the definition of Microbrewery to include a Tasting room, and to add a definition for Tasting Room to Article IV. Definitions, Section 34-41 of the Jacksonville Beach Land Development Code.

**Discussion:** Mayor Latham read the following statement for the record:

“Before opening the floor for discussion or questions by the Council, please be reminded that our decision will be based on the criteria set for by the Land Development Code, Staff’s report, the recommendation of the Planning Commission and the public input at all hearings.”

Ms. Golding went over some information from research she did on cities that passed legislation on microbreweries in Florida, including Tampa, Dunedin, Islamorada, Cape Canaveral, and West Palm Beach.

Ms. Dumont stated she did some research and would like the definition narrowed.

**Motion:** It was moved by Ms. Dumont to amend the motion to change to the word “tasting room” to “tap room” in the definition of microbrewry; and in the definition of “tasting room,” change “tasting” to “tap;” and where it says “beer and wine,” after “beer,” put “brewed by microbreweries that produce less than 15,000 barrels of beer annually, and wine on-site.”

The motion died for lack of a second.

**Discussion (cont):** Ms. Dumont stated she would not support the item without the restriction.

Mr. Vogelsang stated he was satisfied Council has addressed the liquor issue, the times, issues raised by the nearby church, and limitations on the size of a tasting room.

Mr. Doherty stated Shetter Avenue is the blighted area of the City and bringing people and businesses into the area after 5:00 P.M. would start to bring vibrancy back to the area.

Ms. Golding stated there is merit in the issues raised by Ms. Dumont. With further explanation from Ms. Dumont, Ms. Golding stated she would second Ms. Dumont’s motion if it were brought up again.

**Motion:** It was moved by Ms. Dumont and seconded by Ms. Golding, to amend the motion to change to the word “tasting room” in the definition of microbrewry to “tap room;” and change the definition of “tap room” to include, after the word “beer,” “brewed by microbreweries that produce less than 15,000 barrels of beer annually, and wine on-site.”

**Discussion (cont.):** Conversation ensued with an inquiry as to how the City would be able to enforce the types of beer being served and discussion on the differences between a tasting room and tap room.

**Roll Call Vote for amended motion:** Ayes – Dumont, Golding, and Mayor Latham  
Nays – Vogelsang, Doherty, Hoffman, Nichols  
The amended motion failed 4-3.

**Motion:** It was moved by Ms. Golding and seconded by Mr. Vogelsang, to change “tasting room” to “tap room.”

**Discussion (cont.):** Mr. Nichols inquired if there needed to be another reading of the Ordinance if the change was made. City Attorney Susan Erdelyi recommended having another public hearing, but stated that Council can accept or reject the recommendation.

Mr. Vogelsang withdrew his second.

The motion died for lack of a second.

Mayor Latham referenced an email he received from Mr. Wallace [on file]. Mayor Latham requested clarification about the difference between what is being authorized in this Ordinance and a 2COP license. Mr. Mann stated an applicant may need a 2COP license for a microbrewery, but they are also governed by the City’s local definition, which is enforceable.

**Roll Call Vote:** Ayes –Doherty, Golding, Hoffman, Nichols, Vogelsang, and Mayor Latham  
Nays – Dumont  
The motion passed 6-1.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:45 P.M.

Submitted by: Laurie Scott  
City Clerk

Approval:

  
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William C. Latham, MAYOR

Date:

02/18/19

LS/sg