

**Minutes of Regular City Council Meeting  
held Monday, December 3, 2018, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**OPENING CEREMONIES**

In lieu of the standard Invocation, Mayor Latham requested a moment of silent reflection to honor former President George H. W. Bush following his passing on Friday, November 30, 2018, followed by the salute to the flag.

**CALL TO ORDER**

Mayor Latham called the meeting to order at 7:02 P.M.

**ROLL CALL**

Mayor: William C. Latham

Council Members: Lee Buck                      Keith Doherty                      Christine Hoffman  
Bruce Thomason                      Phil Vogelsang                      Jeanell Wilson

Also present were Interim City Manager Karen Nelson and City Attorney Susan Erdelyi.

**APPROVAL OF MINUTES**

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

- Regular City Council Meeting held November 19, 2018

**ANNOUNCEMENTS**

Ms. Wilson commended Kurtis Loftus on the success of Deck the Chairs, noting they had an opening ceremony that was well attended. She encouraged everyone to take a look at a great family event.

Ms. Wilson expressed her appreciation to the City for being able to serve on the Council for the past eight years and thanked all the workers for helping the City run smoothly. Ms. Wilson thanked the Mayor and City Council for working together to make the City a better place. Ms. Wilson welcomed the incoming Council Members and stated she knew they would do a great job because they have a great staff to support them.

Mr. Doherty stated it had been a pleasure to work with Ms. Wilson, Mr. Buck, and Mr. Thomason, and he wished them well in the future. Mr. Doherty had praise for the golf course. He stated it is getting a lot of use and seems to be getting better.

Mr. Buck thanked everyone for having the opportunity to serve the community for 18 years, including 12 years on the City Council. He stated he was excited about the future and the new Council.

Mr. Thomason stated he was glad to see so many people come out to welcome the new Council. Mr. Thomason said the Council pays attention to what is going on in the City and how it affects each member of our City, as well as those who have businesses here. He stated the Mayor, Council and City workforce is focused on customer service. He was thankful to be able to serve the community for over 25 years.

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

### **MAYOR AND CITY COUNCIL**

#### **Item #18-217 - Declare the Election Results from Duval County Canvassing Board, Certified by the State of Florida, for the November 6, 2018, General Election**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt the Declaration of the Election results from the Duval County Canvassing Board, certified by the State of Florida for the November 6, 2018, General Election.

**Roll Call Vote:** Ayes – Buck, Doherty, Hoffman, Thomason, Vogelsang, Wilson, and Mayor Latham.  
The motion passed unanimously.

#### **Item #18-218 - Presentation of Resolutions of Esteem to Mayor Pro-Tem Jeanell Wilson, Council Member Bruce Thomason, and Council Member Lee Buck**

Mayor Latham presented Mayor Pro-Tem Jeanell Wilson, Council Member Bruce Thomason, and Council Member Lee Buck with Resolutions of Esteem. City Clerk Laurie Scott read the Resolutions of Esteem into the record.

Mayor Latham thanked the three outgoing Council Members for doing a tremendous job.

Mayor Latham announced at the next meeting, with the addition of the City Attorney on the dais, the At-Large Council Members would be seated toward the middle of the dais, and the District Council Members would be seated at the outer area on the dais.

#### **Item #18-219 - Oath of Office for Newly Elected Council Members**

Ms. Scott administered the Oath of Office to newly elected Council Members Cory W. Nichols, P.E., Georgette E. Dumont, and Sandy Golding.

The new Council Members took their seats at the dais.

#### **Item #18-220 – Election of Mayor Pro-Tem**

Mayor Latham requested nominations from Council Members for the selection of a Mayor Pro-Tem.

**Motion:** It was moved by Mr. Vogelsang and seconded by Mr. Nichols, to nominate Chris Hoffman.

**Roll Call Vote:** Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, and Mayor Latham.

The motion passed unanimously.

### **ROLL CALL**

Mayor Latham stated the first Roll Call of the newly seated Council was missed and requested the City Clerk to do a roll call.

Mayor: William C. Latham

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

### **CITY CLERK**

### **CITY MANAGER**

**Item #18-221 – Approve the emergency purchase of temporary tree trimming and vegetation management services provided by Trees, LLC, for \$45,000 per month.**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the emergency purchase of temporary tree trimming and vegetation management services provided by Trees, LLC, for \$45,000 per month.

**Discussion:** Ms. Nelson stated on August 6, 2018, the City Council approved bid award 1718-22 for tree trimming and vegetation services to Core Services LLC. On two separate occasions, Core Services failed to show up to perform services. On October 7, 2018, Core Services notified Beaches Energy Services they were unable to perform the required services. Ms. Nelson stated a letter canceling the bid award was sent to Core Services on October 8, 2018, and on October 9, 2018, Ms. Nelson approved an emergency purchase order for temporary tree trimming and vegetation services to Trees, LLC. The City's Procurement Manual states an emergency purchase over \$25,000 must receive prior written approval by the City Manager or Deputy City Manager, and subsequently, the City Council must formally approve the emergency purchase.

Mr. Doherty questioned if Core Services was responsible for paying because of a breach of contract. Beaches Energy Services Director Allen Putnam stated it is a time and materials agreement, not a contract. Mr. Putnam stated this is a temporary agreement while the bid proposal is reworked due to FEMA issues. Mr. Doherty asked if Core Services provided a reason they could not perform the work. Mr. Putnam stated Core Services did not have the equipment or personnel to provide the service we required. Mr. Doherty asked if wording could be included in future contracts to prevent it from happening again. Mr. Putnam stated it could be a performance-based contract where, if a contractor does not provide the service, they have to pay a portion of the cost of the City acquiring another contractor.

Mr. Vogelsang asked if this is for tree trimming throughout the city. Ms. Nelson stated it is only for Beaches Energy Services.

Ms. Dumont asked how long the City would be paying for this temporary service. Mr. Putnam stated approximately three months.

**Roll call vote:** Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, and Mayor Latham.

The motion passed unanimously.

## **ORDINANCE**

### **Item #18-222 - ORDINANCE NO. 2018-8114**

Mayor Latham requested the City Clerk read Ordinance No. 2018-8114 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 VII. ZONING DISTRICTS, DIVISION 2, SECTION 34-344. COMMERCIAL SERVICE: CS, PARAGRAPH (B) *PERMITTED USES* TO ADD “NEWSPAPER AND MAGAZINE PUBLISHING” AS NEW SUBPARAGRAPH (22); AND AMENDING SECTION 34-344. COMMERCIAL SERVICE: CS, PARAGRAPH (D) *CONDITIONAL USES* TO ADD “MICROBREWERY” AND “BAR, LOUNGE, NIGHTCLUB, TAVERN OR OTHER DRINKING ESTABLISHMENT” AS NEW SUBPARAGRAPHS (6) AND (7) RESPECTIVELY; AND TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, AND FOR OTHER PURPOSES.”**

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 first 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 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.

I will now open the public hearing on Ordinance No. 2018-8114.”

**Public Hearing**

Mayor Latham opened the public hearing on Ordinance No. 2018-8114 and asked the applicant or spokesperson for the applicant to come forward.

**Tye Wallace**, 709 4<sup>th</sup> Avenue North, Jacksonville Beach, provided Council Members with copies of Void Magazine and Edible Magazine [*on file*]. Mr. Wallace presented an overview of the proposed Void Magazine/Edible Magazine/Bold Brands project. He stated they are looking to expand their business and have had difficulty locating an appropriate location. Mr. Wallace stated that, through a Conditional Use, they want to add microbrewery, tasting room and magazine publishing to the location.

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

The following people spoke in favor of the item:

**Aaron Meisenheimer**, 102 6<sup>th</sup> Avenue North, Jacksonville Beach

**Mike Sasser**, 208 Oceanwood Drive, Neptune Beach

**Jay Dodson**, 1626 Palm Terrace West, Atlantic Beach

**Scott Watley**, 224 Oleander Street, Neptune Beach

**Terry DeLoach**, 405 32<sup>nd</sup> Avenue South, Jacksonville Beach, spoke in favor of the Land Development Code text amendment. Mr. DeLoach stated as a conditional use, the Planning Commission would have the option to impose restrictions and approve or deny an application.

**Shandy Thompson**, 522 3<sup>rd</sup> Avenue South

**Christopher Griffith**, 102 6<sup>th</sup> Avenue North

The following people were in support of the item, but did not wish to speak:

**Michael Kilcullen**, 251 East Coast Drive, Atlantic Beach

**Jeff DeAngelis**, 1122 Hamlet Court, Neptune Beach

**Thomas Bozzuto**, 11369 Ft. Caroline Lakes Drive South, Jacksonville

**Kimmy Cottin**, 417 8<sup>th</sup> Avenue North, Jacksonville Beach

**Casey Bagby**, 1709 Tanglewood Road, Jacksonville Beach

**Jonar Delmundo**, 2921 Discovery Way, Jacksonville

**Matthew Shaw**, 102 6<sup>th</sup> Avenue North, Jacksonville Beach

**Nicole Parisher**, 13813 Zion Gate Court, Jacksonville

**Kassie Ashburn**, 405 Lower 8<sup>th</sup> Avenue South, Jacksonville Beach

**John Parsons**, 1628 3<sup>rd</sup> Avenue North, Jacksonville Beach

**Sara Shapiro**, 51 Tallwood Road, Jacksonville Beach

**Haley Guiette**, 1716 1<sup>st</sup> Street, Neptune Beach

**Kiara Sánchez**, 3050 Tamaya Boulevard, Jacksonville

The following people spoke in opposition to the item:

**Jim Sorrell**, 1410 Pinewood Road, Jacksonville Beach, spoke in opposition to the item because it involves alcohol, and alcohol is the number one problem in the city. Mr. Sorrell stated even though it is a conditional use, it can be abused. He gave an example of a business that abused their conditional use. Mr. Sorrell said another problem could be parking. He requested the item not be approved.

**Brenda Shields**, 315 18<sup>th</sup> Street North, spoke about increased traffic in the area, concern about other alcohol establishments, and the dangers of drinking and driving.

Mayor Latham closed the Public Hearing.

#### **Ex-Parte Communications**

Mayor Latham read the following statement for the record:

“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, but he did not open it because his policy is to have the discussion in public.

Mr. Vogelsang stated he had discussions with Mr. Wallace via email that had been sent to Council as a group, and Mr. Wallace emailed a copy of his presentation. Mr. Vogelsang also received an email expressing concern about a residential area.

Mr. Nichols received an email from Tye Wallace but did not speak or meet with him. He also received a Facebook message from Paula Conroy about an email she sent to Council, but he did not respond to her.

Ms. Golding received an email from Tye Wallace and spoke with him on the phone about his presentation. Ms. Golding spoke with Terry DeLoach, who contacted her to state he was in favor of the proposal.

Ms. Dumont spoke with Terry DeLoach who was in support of the item. Ms. Dumont received an email from Tye Wallace, and this item was before the Planning Commission while she was a member. She met with Tye Wallace and Aaron Meisenheimer on November 5, 2018, and received the email on November 27, 2018.

Mr. Doherty received an email from an individual who had concerns. He believed it is the same email everyone received. Mr. Doherty also received an email from Tye Wallace that included an invitation to meet and go over the proposal. Mr. Doherty stated he had concerns and met with Tye Wallace and Aaron Meisenheimer on November 29, 2018, at their office on 6<sup>th</sup> Avenue.

Ms. Hoffman had an unscheduled meeting with Mr. DeLoach in the Post Office parking lot. She also met with Aaron Meisenheimer and Tye Wallace at their office on November 30, 2018, and went over the information all Council Members have seen.

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2018-8114, amending the Land Development Code Section 34-344 to add "Newspaper and magazine publishing" to the list of permitted uses, and "Microbrewery" and "Bar, nightclub, tavern or other drinking establishment" to the list of Conditional Uses in the Commercial service: CS zoning district. (applicant – Bold Brands)

**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 forth in the Land Development Code, Staff's report, the recommendation of the Planning Commission and the public input at all hearings."

Mr. Vogelsang questioned why nightclub was included in the permitted use, if the language could be changed, or one specific word deleted. Senior Planner Heather Ireland stated there is only one description that covers drinking establishments. Ms. Ireland stated she was open to adding new definitions. Ms. Ireland stated the list of uses is listed that way in every zoning district where it is a conditional use.

City Attorney Susan Erdelyi stated to change the list of uses, Code Section 34-41, the Definitions section would have to be amended to add new definitions, such as "Tasting room." The process to change the Code would go through the Planning Commission.

Mr. Doherty discussed conditional uses and the limitations that can be required. Ms. Ireland stated if the limitations of the conditions are not met, the applicant would lose their conditional use and have to close. Ms. Golding wanted to know if this item was approved, could wording or additions to the definitions in the Land Development Code could be changed at a later time. Ms. Ireland confirmed changes to the Code could be made at a later time. Ms. Golding inquired if subparagraph (22) *Newspaper and magazine publishing* could be added to subparagraph (5) *Manufacturing establishments as follows: Bakery products, wood cabinet, jewelry, newspaper printing and publishing, and commercial printing*, and not add a new item. Ms. Ireland responded subparagraph (5) falls under manufacturing, and they wanted to stay consistent with the industrial classifications.

Ms. Dumont clarified a vote on this item is to change the Code text, and the Planning Commission can place conditions on applications that come before the Commission. Ms. Ireland confirmed if the Code was later changed, applications approved under this Code item, if approved, would be grandfathered in.

Additional discussion ensued related to conditional uses and looking at and modifying the Land Development Code.

Mr. Vogelsang clarified the City Council directs the Planning Commission, and with the proposed changes, let the Commission know to allow the ability to apply for conditional use is something the Council supports.

Mayor Latham summarized this item is not about a specific conditional use, but about setting a precedence. He stated this is the first reading and there would be a second reading on December 17, 2018. If anyone has concerns, it is time to make the Council aware.

**Roll call vote:** Ayes – Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, and Mayor Latham.  
The motion passed unanimously.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:36 P.M.

Submitted by: Laurie Scott  
City Clerk

Approval:

  
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William C. Latham, MAYOR

Date: 12/17/18

LS/sg