

**Minutes of Public Workshop  
held Wednesday, August 8, 2018, at 6:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



### **OPENING CEREMONIES**

The invocation was given by Council Member Wilson, followed by the salute to the flag.

### **CALL TO ORDER**

Mayor Latham called the meeting to order at 6:00 P.M.

### **ROLL CALL**

Mayor: William C. Latham

Council Members: Lee Buck Keith Doherty Christine Hoffman  
Bruce Thomason (*absent*) Jeanell Wilson Phil Vogelsang

Also present was Interim City Manager Karen Nelson, Police Chief Pat Dooley, and City Attorney Susan Erdelyi.

### **Purpose of Workshop**

The purpose of the workshop was to discuss a potential modification to the City of Jacksonville Beach's alcohol ordinance.

### **City Mayor**

Mayor Latham outlined the schedule for the workshop as follows:

- Chief Dooley would present a timeline of facts regarding the incident that took place on June 26, 2018. [on file]
- Review the actions the City of Jacksonville Beach took from 2008 through the present to make the Downtown area as safe as possible.
- A video would be presented by Chief Dooley showing the crowd activity in the Downtown area at bar closing time. [on file]
- Discussion regarding several possible modifications to the current alcohol ordinance such as:
  - Require bars and restaurants to close at midnight
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  - Require restaurants in the Central Business District to close at midnight
  - Hold all restaurants and bars that serve alcohol accountable for disturbances that start in their businesses
- 30 minutes for the public comment period with the following guidelines:
  - The council would hear five people opposed and five people in favor of modifying the current ordinance
  - Each speaker would be given three minutes to speak
  - Each speaker must be a resident or restaurant/bar owner in Jacksonville Beach
  - Written comments would be accepted if not selected for the public comment period [nine handouts with comments were turned into the City Clerk]

Mayor Latham stated during tonight's workshop, if it is agreed to modify the existing alcohol ordinance, at least two public hearings would be held to change the ordinance. At that time, the public would have the opportunity to speak and voice their opinions regarding the proposed changes.

### **Police Chief Pat Dooley**

Chief Dooley reviewed a summary of facts regarding the incident on June 26, 2018 [on file]. He made a note of the time of the incident which occurred shortly after 2:00 A.M., bar closing time.

Chief Dooley reviewed a chronological summary of the rebuilding of the Downtown CAPE area by the Police Department and the City [on file].

Mayor Latham inquired about the number of officers currently assigned to the Downtown CAPE area. Chief Dooley responded that when the program began, there were two CAPE officers, now there are eleven with five detectives who augment the number of officers downtown, by returning to uniform and working the months from March through September. Mayor Latham commented that since 2012 – when the currently seated four Council Members started, there were four officers downtown, the number has increased to eleven in five and a half years.

The video was shown and narrated by Chief Dooley. [on file]

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

- Evan Rida, 723 6<sup>th</sup> Avenue South spoke in opposition to closing the restaurants at midnight
- Attorney Steve Diebenow, Representing the owner of Mellow Mushroom, 1018 3<sup>rd</sup> Street North spoke in opposition to closing the restaurants at midnight
- Marsida Robinson, Owner of Locals Doc – Jax Bch Event Hall, 222 1<sup>st</sup> Street North spoke in opposition to closing restaurants at midnight
- Ken Marsh, 2027 Gail Avenue spoke in support of closing restaurants at midnight
- Manjola Rajta, 731 6<sup>th</sup> Avenue South, spoke in opposition of closing restaurant at midnight
- Jim Overby, 21 Burling Way, spoke in favor of closing restaurants at midnight
- Fernando Meza, 607 7<sup>th</sup> Avenue South, spoke in support of changes being made.

### **City Mayor and Council discussion**

Mayor Latham stated the situation in the Downtown area has become a public safety concern. Mayor Latham stated any changes to an ordinance could be modified at a later date if needed, but a change needs to be made now due to the public safety issues.

Mayor Latham reviewed the list of alcohol beverage licenses in Jacksonville Beach [on file]. He reviewed the times in which restaurants and bars close and how many close at 2:00 A.M. (according to the business's websites). Mayor Latham stated the problem isn't coming from the Quota License holders; the problem is coming from 4-COP SRX license holders converting restaurants into bars and discontinuing food sales.

Mayor Latham stated it is a moral obligation of elected officials to provide the safest environment for the citizens. Mayor Latham stated that, in his opinion, the way to help make the Downtown CAPE area a safe place would be to require the 4-COP SRX license holders located inside the

Central Business District (CBD) to close at midnight, seven days a week.

A discussion ensued between the Council Members and Chief Dooley.

Ms. Wilson asked questions about local and state enforcement and the City's legal options regarding changing an ordinance affecting only a certain area.

City Attorney, Susan Erdelyi stated that, if the City has the right evidence showing a significant public safety issue in a certain area, then an ordinance change affecting only a specific area should be allowed.

Chief Dooley stated that the idea behind having staggered closing times is that the people leaving the restaurants at midnight would then leave the area due to the already existing lines at the bars.

Mr. Buck asked how many people are in the downtown area during the weekend. Chief Dooley stated there could be up to 3,000 people a night at times. Mr. Buck stated the CBD is not a family-friendly environment.

Ms. Hoffman stated she is wary of creating legislation for something that may need to be better enforced. Ms. Hoffman asked if it would be possible to include requiring additional training and security for businesses applying for extended hours permits. Chief Dooley and Ms. Erdelyi stated it might be possible.

Ms. Hoffman stated Restaurants in Name Only (RINO's) might not be the only source of the problem in the Downtown area. Ms. Hoffman suggested using the Community Redevelopment Agency (CRA) to assist in attracting different types of businesses to take over the four large currently available spaces for rent or sale.

Mr. Vogelsang suggested having a roundtable discussion with all the businesses in the CBD to discuss additional options further before making a final decision on closing the restaurants early. If it is passed to require SRX license holders to close their establishments at midnight, Mr. Vogelsang suggested trying to offer incentives to help assure the restaurants continue to succeed.

Mr. Vogelsang stated that, due to the structure of the City's Downtown area, it has become hard for restaurants to create a profitable environment, like surrounding cities, without staying open and serving alcohol until 2:00 A.M. Mr. Vogelsang agreed with Ms. Hoffman stating it would be beneficial for the City to attract community-friendly restaurants for the four current locations for sale and lease.

Mayor Latham stated that he believes if restaurants close at midnight, the long lines at the bars will discourage people and they would leave the area instead of waiting in the long lines at the bars.

Mayor Latham stated that he received many calls from residents regarding this issue. 100% of the calls he received supported the idea of changing the alcohol ordinance. Mayor Latham stated that, when additional police officers are in the Downtown area at night because of the unsafe environment, those officers are being pulled away from keeping the local neighborhoods and families' homes safe.

Mayor Latham read a list of businesses located in Jacksonville Beach with 4-COP SRX licenses that advertise (on their website) closing times before midnight. After reading the list, Mayor Latham stated that those restaurants are successful, thriving restaurants. And there is no reason the other restaurants couldn't be successful and thriving as well.

Mr. Doherty stated that, in the interest of partiality, he would recuse himself from commenting publicly and voting on this issue. Mr. Doherty stated if anyone from the public wanted his opinion, he would be available.

Mayor Latham brought forward through the City Attorney, Police Chief, and Interim City Manager, a proposed modification to the current alcohol ordinance to include closing restaurants in the CBD with 4-COP SRX licenses at midnight. There were no objections from Council.

The workshop adjourned at 5:55 P.M.

Submitted by: Jodilynn Byrd  
Administrative Assistant

Approval:

  
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William C. Latham, MAYOR

Date: 8/20/18