

**Minutes of Regular City Council Meeting
held Monday, December 17, 2018, at 7:00 P.M.
in the Council Chambers, 11 North 3rd 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 7:06 P.M.

ROLL CALL

Mayor:	William C. Latham		
Council Members:	Keith Doherty	Georgette Dumont	Sandy Golding
	Chris Hoffman	Cory Nichols	Phil Vogelsang

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

APPROVAL OF MINUTES

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

- Regular City Council Meeting held December 3, 2018

ANNOUNCEMENTS

Mayor Latham presented a Proclamation to the Jacksonville Beach Pop Warner Pee Wee Cheer Team proclaiming December 17, 2018, Jacksonville Beach Pop Warner Pee Wee Cheerleading Day in recognition of their accomplishment of winning the National Championship.

COURTESY OF THE FLOOR TO VISITORS

Stuart Lackey, 210 22nd Avenue South, Apartment A, Jacksonville Beach, representing Aqua East Surf Shop, spoke about the Aqua East Grom Fest event, stating that the Parks and Recreation Department asked the event not be held at the Jacksonville Beach Skate Park. They would like to keep the event, which features skateboarding, surfing and wakeboarding, in Jacksonville Beach.

Sarah Bryan, 403 12th Avenue South, Jacksonville Beach, spoke about continued issues with garbage left by job site contractors around her property and a nearby pond. Ms. Bryan stated she received some of the records requested from the City that were requested on December 5, 2018, but is still awaiting additional records.

Gerhard Paetau, 725 Bonaire Circle, Jacksonville Beach, expressed concern about the number of requests for increased lot coverage over 35 percent that go before the Board of Adjustment and get approved without addressing stormwater management. Mr. Paetau suggested taking a look at the planning process to manage possible flooding conditions.

Robert O'Hara, 524 13th Avenue North, Jacksonville Beach, inquired how much oversight and regulation the City has over cable utility contractors in neighborhoods. Mr. O'Hara wondered if some of the obsolete cable equipment on residential property can be removed and what the requirements are for burying cables. He stated the lids for the replaced water meters are in bad condition.

Ken Marsh, 2011 Gail Avenue, Jacksonville Beach, spoke about the 2007 Downtown Vision Plan. He encouraged Council to decide what points they want to discuss when they meet with the Community Redevelopment Agency. Mr. Marsh suggested discussion with the Community Redevelopment Agency should include revisiting the height limit and whether proposed pay station parking mechanisms indicate whether the parking lot is full.

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

Item #18-224 - Accept the Monthly Financial Reports for the Month of November 2018

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to accept the financial reports for the month of November 2018.

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

The motion passed unanimously.

Item #18-225 – Approve the Addition of One Full-Time Animal Control Officer in the Police Department

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve adding a second full-time Animal Control Officer in the Police Department as detailed in a memo dated December 10, 2018.

Discussion: Ms. Nelson stated there is currently one full-time Animal Control Officer that handles all animal related calls for service, patrols the beach to enforce animal regulations, and manages the care and feeding of animals at the City's Animal Control Facility. When the Animal Control Officer is out, City of Jacksonville Animal Control, Citizen Police Academy Alumni Association Volunteers, or Patrol Officers assist. Ms. Nelson commented a second Animal Control Officer will provide increased enforcement of animal regulations on the beach and other areas, and relieve Patrol Officers.

Police Chief Pat Dooley answered questions related to the continued use of volunteers, if the position will require a Florida Animal Control Association certification, the level of service provided by City of Jacksonville Animal Control, and enforcement of the extended hours for dogs on the beach during off season.

Chief Dooley stated for the record that City of Jacksonville, through an Interlocal Agreement, is required to provide Animal Control. In order to maintain the level of service expected by our citizens, the City took it upon itself to provide the service.

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

The motion passed unanimously.

ORDINANCE

Item #18-226 - 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.

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

The following people spoke in favor of the item:

Terry DeLoach, 405 32nd 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.

Mike Sasser, 208 Oceanwood Drive, Neptune Beach

Aaron Meisenheimer, 102 6th Avenue North, Jacksonville Beach

Jay Dodson, 1626 Palm Terrace West, Atlantic Beach

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

Erica Neybursky, 219 Pablo Point Drive, Jacksonville

Kiara Sánchez, 3050 Tamaya Boulevard, Apartment 917, Jacksonville

Casey Bagby, 1709 Tanglewood Road, Jacksonville Beach

Scott Whatley, 224 Oleander Street, Neptune Beach

Kassandra Ashburn, 405 Lower 8th Avenue South, Apartment B, Jacksonville Beach

Jeff DeAngelis, 1122 Hamlet Court, Neptune Beach

Nicole Parisher, 13813 Zion Gate Court, Jacksonville

Matthew Shaw, 102 6th Avenue North, Jacksonville Beach

Tye Wallace, 709 4th Avenue North, Jacksonville Beach

The following people spoke in opposition to the item:

Gregory Austin, 119 6th Street South, Jacksonville Beach, wanted the Council to be aware of the danger of bringing back the types of uses in the proposed text amendment that the community worked hard to eliminate; and the need to protect the children, neighborhood, adjacent church, and community.

Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach, stated he is not opposed to adding microbrewery if it is worded properly, but he is opposed to adding bar, lounge, nightclub, or other drinking establishment. Mr. Sorrell stated there are abuses in C-1 and C-2 zones where the use is allowed. Once the language is allowed, it is all encompassing in the area through a conditional use. Mr. Sorrell suggested striking bar, lounge, nightclub, or other drinking establishment from the ordinance.

Georgia Williams, 522 2nd Avenue South, Jacksonville Beach, spoke about keeping out the undesirable activities in the area after they were able to get rid of it.

Pamela Brown, 8955 Normandy Avenue, Jacksonville, stated the Council is looking to bring back something they previously worked hard to get rid of.

Greg Burkhardt, 736 7th Avenue North, Jacksonville Beach, spoke in opposition to the possibility of nightclubs.

Dorothy Austin, 119 6th Street South, Jacksonville Beach, spoke in opposition to bringing alcohol into the area.

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 an email from Tye Wallace asking to give him a call if he had any questions. Mayor Latham spoke with Sam Thomas, retired Beaches Energy Foreman, who called and asked questions. Mayor Latham walked the area with Chief Dooley on December 4, 2018.

Mr. Nichols stated he received the original email from Tye Wallace, and an additional email asking if he had any questions.

Mr. Doherty stated he received an email from Tye Wallace asking if he had any questions. He did not reply.

Mr. Vogelsang stated he received an email from Tye Wallace asking if he had any questions, but did not respond.

Ms. Hoffman stated she received an email from Tye Wallace, but did not respond.

Ms. Dumont stated she received an email from Tye Wallace asking if she had any questions. She did not reply. She was contacted by Terry DeLoach, through her husband, she did not reply. Mick

DuRocher contacted her at her home about the change in the ordinance and she listened to his concerns.

Ms. Golding received an email from Tye Wallace asking if she had any questions. She did respond to say she did not have any questions and would see him at this meeting. Ms. Golding received a text message from Shandy Thompson saying the church adjacent to the subject applicant property was still in operation.

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, lounge, 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."

Discussion ensued about how the area in the Commercial Service: CS zone was previously an undesirable, dangerous area, and how it has improved.

Mayor Latham stated he is in favor of the microbrewery; however, he has an issue with the tasting room. He expressed concern this is the first step in the wrong direction. Mayor Latham stated unless there is a continuance or some kind of modification, he could not support the item.

Ms. Golding also expressed concern about the “bar, lounge, nightclub, tavern or other drinking establishment” language. She stated if Council could modify the Land Development Code to be more specific, she could support the item.

Mr. Doherty concurred he was not comfortable with the wording and stated it needed to be addressed in the Land Development Code.

Ms. Dumont explained the Commercial Service: CS zone is a buffer zone between bars and a residential neighborhood. Ms. Dumont asked the City Attorney if the definition of microbrewery could be changed to microbrewery and tasting room. Ms. Erdelyi stated the Council can initiate it, but it would have to go to the Planning Commission. Ms. Erdelyi said the item before the Council is a quasi-legislative act to expand uses in the Commercial Service: CS district to allow “Bar, lounge, nightclub, tavern or other drinking establishment” in the district. She added this will expand alcohol consumption in an area where it is currently not allowed. Ms. Erdelyi advised that one option available to Council at this meeting is to change the code to add “Newspaper and magazine publishing” and “Microbrewery,” and exclude “Bar, lounge, nightclub, tavern or other drinking establishment.” If Council wanted to change the text in the Land Development Code, it would have to go back to the Planning Commission. Another option is Council can vote for a continuance and give direction to the Planning Commission to change the text in the Code. A third option is for Council to vote to delete “Bar, lounge, nightclub, tavern or other drinking establishment,” approve

“Microbrewery” and “Newspaper and magazine publishing,” then give direction to staff to add tasting room to the definitions section. The applicant can also move for a continuance.

Mr. Nichols was concerned about the current wording in the ordinance. Additional discussion ensued and the City Attorney answered questions about modifying the wording. Ms. Golding supported removing language. Mr. Doherty stated if the liquor aspect can be removed, he supports it.

Ms. Dumont inquired if they could strike “Bar, lounge, nightclub, tavern or other drinking establishment” from the ordinance and leave “Microbrewery.” She stated the Planning Commission could add tasting room. Ms. Erdelyi stated they could change the language to add to “Microbrewery,” “with or without a tasting room,” but the text would need to be amended to add a definition of a tasting room. Mr. Mann stated if staff is directed, they can remand it to the Planning Commission with the recommended amendment. Mr. Mann clarified they can modify the definition of “Microbrewery” to include “with or without a taproom,” and separately request a new definition of tap room, including standards.

Motion to Amend: It was moved by Mr. Vogelsang, seconded by Ms. Dumont, to strike through number “(7)” on the *Conditional Uses* which says “Bar, lounge, nightclub, tavern or other drinking establishment,” with the understanding that Council would recommend to the Planning Commission to provide an updated definition of microbrewery to include “with or without the use of a tasting room/taproom.”

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

The **motion to amend** the original motion passed unanimously.

Roll call vote on original motion as amended:

Ayes - Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, and Mayor Latham.

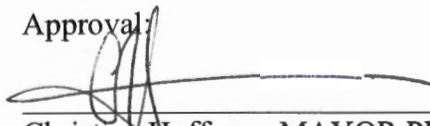
The motion passed unanimously.

ADJOURNMENT:

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

Submitted by: Laurie Scott
City Clerk

Approval:


Christine Hoffman, MAYOR PRO TEM

Date: 1/25/19

LS/sg