

Minutes of Regular City Council Meeting
held Tuesday, January 22, 2019 at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida



OPENING CEREMONIES

Mayor Pro Tem Christine Hoffman lead a moment of silence honoring past Mayor Fland Sharp, followed by the salute to the flag.

CALL TO ORDER

Mayor Pro Tem Christine Hoffman called the meeting to order at 7:03 P.M.

ROLL CALL

Mayor: Charlie Latham (*absent*)
Mayor Pro Tem: Christine Hoffman
Council Members: Keith Doherty Georgette Dumont Sandy Golding
Cory Nichols Phil Vogelsang

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

APPROVAL OF MINUTES

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

- Council Workshop held December 17, 2018
- Regular Council Meeting held December 17, 2018

Motion: It was moved by Ms. Golding and seconded by Mr. Doherty to amend the minutes of the Regular Council Meeting Minutes held on December 17, 2018 to reflect Ms. Dumont as the second on page 7.

Voice Vote: Ayes – Doherty, Dumont, Golding, Nichols, Vogelsang, and Mayor Pro Tem Hoffman.
The motion passed unanimously.

ANNOUNCEMENTS

Ms. Golding thanked Kurtis Loftus for producing another great and successful year for Deck the Chairs.

COURTESY OF THE FLOOR TO VISITORS

- Brian Lee, 1217 Zephyr Way South, Jacksonville Beach stated that the American Legion Post 129 has requested to hold their annual charity golf tournament at the Jacksonville Beach Golf Course and the fees quoted are much higher than previous years. Mr. Lee is requesting that the organization be charged the same tournament fees as in prior years.

- Candace Mabry, 4033 America Avenue, Jacksonville Beach, offered background information on the Boys and Girls State program that would benefit from the American Legion annual golf tournament.
- James R (Randy) Brown, 29 Solana Road, Ponte Vedra Beach, spoke in opposition to the price increase at the golf course.
- Charles Marks, 806 11th Street North, Jacksonville Beach, spoke in favor of lowering the fees for the golf tournament fundraiser.
- Kurtis Loftus, 348 Aquatic Drive. Atlantic Beach, stated there was a 20% increase in this year's attendees to Deck the Chair and he thanked the community and the City for another successful year.
- Sarah Bryan, 403 12th Avenue South, Jacksonville Beach, spoke about the many issues and the severe impact the 12th Avenue South drainage project has on local residents.
- Justin Rawls, 403 12th Avenue South, Jacksonville Beach, spoke about the duration of the local construction projects in Jacksonville Beach and suggested better accountability for the companies chosen to work on the projects.
- Donni Welch-Rawls, 403 12th Avenue South, Jacksonville Beach, spoke about the 12th Avenue S. drainage project. Ms. Rawls stated her address was not included on the open house mailing list and cited incorrect reports and information she has received regarding the project and her house.

MAYOR AND CITY COUNCIL

Mayor Pro Tem Hoffman presented a Lifetime Achievement Award to Police Chief Patrick Dooley.

Mayor Pro Tem Hoffman presented Mr. Trevor Hughes with the Employee of the Quarter award.

CITY CLERK

CITY MANAGER

Item #19-005 – Appoint City Council Member Georgette Dumont to serve on the General Employees' Pension Board of Trustees

Motion: It was moved by Mr. Vogelsang and seconded by Ms. Golding, to Appoint City Council Member Georgette Dumont to serve on the General Employees' Pension Board of trustees

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

Item #19-006 - Select a date for the joint meeting between the City Council and the Community Redevelopment Agency and provide direction to the City Manager regarding items to be included on the agenda.

Motion: It was moved by Mr. Vogelsang and seconded by Mr. Doherty, to direct staff to schedule a meeting in February for City Council to meet with the Community Redevelopment Agency to discuss downtown development issues.

Ken Marsh, 2011 Gail Avenue, Jacksonville Beach, spoke in support of a joint City Council and Community Redevelopment Agency meeting.

Mr. Vogelsang suggested to schedule the joint meeting directly before a regularly scheduled City Council meeting in February.

Discussion: Council discussed topics to be considered at the joint City Council and Community Redevelopment Agency meeting. The topics agreed upon were:

- 2007 Downtown Vision Plan
- Strategic planning
- Opportunities for the CRA
- Prioritize next steps
- Set a future timeline

Voice vote: Ayes – Doherty, Dumont, Golding, Nichols, Vogelsang, Mayor Pro Tem Hoffman
The motion passed unanimously.

Item #19-007 – Accept the monthly financial reports for the month of December 2018

Motion: It was moved by Mr. Vogelsang and seconded by Mr. Doherty, to accept the monthly financial reports for the month of December 2018 as submitted by the Chief Financial Officer.

Voice Vote: Ayes – Doherty, Dumont, Golding, Nichols, Vogelsang, Mayor Pro Tem Hoffman.
The motion passed unanimously.

Item #19-008 – Award Bid No. 1819-01 230/138kV, 150/200/250MVA, Autotransformer to Virginia Transformer Corp.

Motion: It was moved by Mr. Vogelsang and seconded by Mr. Doherty, to award Bid No. 1819-01 230/138kV, 150/200/250MVA, Autotransformer to the lowest responded bidder Virginia Transformer Corp.

Ms. Nelson said the bid is for the purchase of one 250MVA autotransformer for the Sampson Substation, which is Beaches Energy Services' primary interconnection to the Bulk Electric System. Ms. Nelson said two of the three transformers are scheduled for replacement over the next five years and this project is to replace one of the two. Funding is available in the Beaches Energy capital budget.

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

Item #19-009 – Award RFP No. 07-1718 for Parking Services to SP Plus Municipal Services

Motion: It was moved by Mr. Vogelsang and seconded by Mr. Doherty, to award RFP No. 07-1718 to SP Plus Municipal Service for parking services.

Commander Thomas Crumley of the Jacksonville Beach Police Department presented information [on file] on the Parking Services plan by SP Plus Municipal Services.

Discussion: Mr. Doherty inquired whether parking lot security would be affected by switching over to an automated parking meter system. Commander Crumley stated the security would remain the same if not increase. The Police Department would have the same number of officers patrolling the parking lots in addition to a Parking Enforcement Specialist and a Parking Ambassador provide by SP Plus.

Mr. Vogelsang suggested that we should consider an online process for Jacksonville Beach residents to register for free parking. Commander Crumley stated the fastest and most accurate way is to manually enter the information now and possibly in the future come up with an online system.

Ms. Golding asked if a resident would need to re-register each year. Commander Crumley stated annual registration would need to be done initially, but could possibly change in the future.

Ms. Nelson stated the vote for this item is to award the RFP to SP Plus Municipal Services and the terms of the contact could still be negotiated.

Ms. Dumont asked for clarification regarding the verification process for City residents. Commander Crumley confirmed the vehicle registration would be used to determine residency, not a driver license.

Ms. Golding shared information from a previous parking utilization study within the City of Jacksonville Beach.

Roll Call Vote: Ayes - Golding, Nichols, Vogelsang, Doherty, Dumont, and Mayor Pro Tem Hoffman.

The motion passed unanimously.

Item #19-010 – Authorize the Mayor and the City Manager to Execute an Interlocal Agreement with the City of Neptune Beach to provide potable water service to 37 residential properties in Neptune Beach located north of Seagate Avenue and south of Hopkins Creek while Florida Department of Transportation (FDOT) rebuilds the Kings Road bridge.

Motion: It was moved by Mr. Vogelsang and seconded by Mr. Doherty, to approve the interlocal agreement with the City of Neptune Beach to provide potable water supply to 37 residential properties in Neptune Beach and authorize the Mayor and City Manager to execute the agreement.

Ms. Nelson stated as part of the A1A drainage improvements project, FDOT would be replacing the Kings Road bridge that crosses Hopkins Creek. The water main used to supply potable water to Neptune Beach residents south of Hopkins Creek is attached to the existing bridge and would be

taken out of service for approximately a year while the bridge is rebuilt. The City of Neptune Beach would pay the City of Jacksonville Beach for water used and bill it's residents. Ms. Nelson stated this would cause minimal impact to our City employees. Ms. Nelson stated the City of Neptune Beach City Council plans to discuss the topic on January 22, 2019, workshop and place it on the agenda for their February 4, 2019, meeting.

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

The motion passed unanimously.

Item #19-011 – Ratify the Collective Bargaining Agreement with the International Association of Firefighters, Local 2622, Effective October 1, 2017

Motion: It was moved by Mr. Vogelsang and seconded by Mr. Doherty, to ratify the three year Collective Bargaining Agreement with the International Association of Firefighters, Local 2622, Effective October 1, 2017.

Ms. Nelson stated negotiations began in October 2017 for a three year contract. Eleven bargaining sessions were held. On December 28, 2018, the union held a vote among its members and ratified the contract.

Ms. Nelson stated the three year contract was effective October 1, 2017 and would expire on September 30, 2020. Ms. Nelson outlined a pay grade increase and stated the contract would provide a merit based step increase upon annual evaluation as employees advance through the pay grade schedule meeting or exceeding expectations. Ms. Nelson concluded the contract provides for all annual and accumulated premium tax revenues to continue to be used to offset the City's pension contribution.

Ms. Golding stated there was a word missing in the contract. Ms. Nelson confirmed a scrivener's error in section 9.6 in the third sentence, the word "service" should follow the word "credited."

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

The motion passed unanimously.

RESOLUTIONS:

Item #19-012 – RESOLUTION NO. 2026-2019

Mayor Pro Tem requested the City Clerk read Resolution No. 2026-2019 by title only, whereupon Ms. Scott read the following:

"A RESOLUTION AMENDING THE CITY OF JACKSONVILLE BEACH, FLORIDA POSITION CLASSIFICATION AND PAY PLAN FOR MANAGERIAL, PROFESSIONAL, ADMINISTRATIVE AND UNCLASSIFIED (NON-UNION) POSITIONS, EFFECTIVE JANUARY 22, 2019. (This would add an Assistant Golf Course Superintendent position and add Electrical Engineers to positions eligible for automobile allowances)."

Motion: It was moved by Mr. Vogelsang and seconded by Mr. Doherty, to adopt Resolution No. 2026-2019, amending the position classification Jacksonville Beach, Florida and pay plan for Managerial, Professional, Administrative and Unclassified (non-union) positions, effective January 22, 2019. (This would add an Assistant Golf Course Superintendent position and add Electrical Engineers to positions eligible for automobile Allowances.)

Summary: Ms. Nelson stated with construction and reopening of the golf course, the volume of play has increased and additional supervision of the maintenance operations is needed. An Assistant Golf Course Superintendent would provide additional maintenance support and assist the Superintendent in training and supervising employees. Ms. Nelson stated the City intends to leave the Maintenance Worker III position unfilled to offset the cost. The \$3,500 financial impact this new position would cost is justified by the increase in revenues at the golf course.

Ms. Nelson stated Electrical Engineers who travel for the City currently drive City vehicles or receive mileage reimbursement. This Resolution will allow the City to provide an Electrical Engineer an automobile allowance rather than provide a vehicle.

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

The motion passed unanimously.

ORDINANCES:

Item #19-013 ORDINANCE NO.2019-8115 (First Reading) (Public Hearing)

Mayor Pro Tem Hoffman 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 Pro Tem Hoffman 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.”

Public Hearing

Mayor Pro Tem Hoffman opened the public hearing on Ordinance No. 2019-8115.

Director of Planning and Development Bill Mann stated the Ordinance is from a direct request from Council regarding a modified definition of “Microbrewery” and a new definition for “Tasting Room.”

Mayor Pro Tem Hoffman called the names of the people who wished to speak.

The following people spoke in favor of the agenda item:

- Scott Whatley, 224 Oleander Street, Neptune Beach
- Tye Wallace, 709 4th Avenue North, Jacksonville Beach
- Mike Sasser, 208 Oceanwood Drive, Jacksonville Beach
- Jeff DeAngelis, 1122 Hamlet Court, Neptune Beach
- Jay Dodson, 1626 Oak Terrace West, Atlantic Beach
- Terry DeLoach, 405 32nd Avenue South, Jacksonville Beach
- Greg Burghardt, 736 7th Avenue North, Jacksonville Beach

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

- Kiara Sanchez, 3050 Tamaya Boulevard, Jacksonville
- Wesley Parson, 1628 3rd Avenue North, Jacksonville Beach
- Ali Parsons, 1628 3rd Avenue North, Jacksonville Beach
- Chris Griffith, 1962 Ibis Point Lane, Jacksonville
- Kimmy Cottin, 417 8th Avenue North, Jacksonville Beach
- Nicole Parisher, 13813 Zion Gate Court, Jacksonville
- Aaron Meisenheimer, 102 6th Avenue North, Jacksonville Beach
- Sara Shapiro, 51 Tallwood Road, Jacksonville Beach

Mayor Pro Tem 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 Pro Tem Hoffman stated she had a phone conversation with Tye Wallace regarding the requested changes.

Mr. Nichols stated he had a phone conversation with Tye Wallace regarding the requested changes.

Ms. Dumont stated she attended the community meeting organized by Tye Wallace.

Mr. Vogelsang stated he had a phone conversation with Tye Wallace regarding the requested changes.

Mr. Doherty stated he had a phone conversation with Tye Wallace regarding the requested changes.

Ms. Golding stated she had a phone conversation with Tye Wallace regarding his desire to sell beer from other microbreweries at his location.

Motion: It was moved by Mr. Vogelsang and seconded by Mr. Doherty to adopt Ordinance No. 2019-8115 to modify the definition for “Microbrewery” and to add a definition for “Tasting Room” to Article IV.

Discussion: Mayor Pro Tem Hoffman 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.”

Discussion ensued amongst the Council Members, Mr. Mann, City Attorneys Susan Erdelyi and Denise May regarding the changes recommended and the wording of the definition for “microbrewery” in the ordinance as well as the wording for adding a definition for “tasting room”. Topics of discussion were as followed:

- Hours of operation and extended hours
- Required alcohol licenses
- Clarification of definitions for “tasting room”
- Size limitations
- Required second hearing

Motion: It was moved by Mr. Doherty to propose a change to the definition of a tasting room to read “ a tasting room means the portion of a microbrewry that is located on the premises of the production facility at which guest can purchase and consume beer on site. Tasting rooms are limited to no more than 25% of total area of the building. The hours of operation are not to extend past midnight daily”.

The motion died for lack of a second.

Discussion (cont): Continued discussed ensued regarding the following:

- Zoning

- Allowable size for a “tasting room”

Motion: It was moved by Mr. Vogelsang and seconded by Mr. Doherty to propose a change to the definition of a tasting room to read “Tasting Room means the portion of a microbrewery/winery that is located on the premises of a production facility in which guests may purchase and consume beer/wine on site. Tasting Rooms are limited to 800 square feet in area or 25% of the total area, whichever is greater. The hours of operation may not extend past 10:00 PM Sunday through Thursday or 12:00 AM Friday and Saturday.”

Discussion (cont.): Continued conversation ensued regarding placing limitation on the size of a “tasting room” within an establishment.

Mr. Vogelsang made an amendment to his previous motion to read as follows:

“Tasting Room means the portion of a microbrewery/winery that is located on the premises of a production facility in which guests may purchase and consume beer/wine on site. Tasting Rooms are limited to 800 square feet in area or 25% of the total area, whichever is less. The hours of operation may not extend past 10:00 PM Sunday through Thursday or 12:00 AM Friday and Saturday.”

Roll Call Vote for amended motion: Ayes – Dumont, Golding, Nichols, Vogelsang, Doherty, and Mayor Pro Tem Hoffman.

The motion passed unanimously.

Roll Call Vote: Ayes – Golding, Nichols, Vogelsang, Doherty, Dumont, and Mayor Pro Tem Hoffman

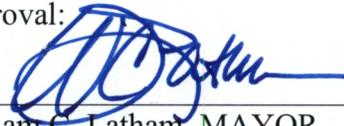
The motion passed unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:47 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date:

2/4/19

LS/jb