

**Minutes of Regular City Council Meeting
held Monday, May 20, 2019, 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 7:01 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.

APPROVAL OF MINUTES:

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

- City Council and Community Redevelopment Agency joint meeting held April 29, 2019
- Council Workshop held April 29, 2019
- Council Briefing held May 6, 2019
- Regular Council Meeting held May 6, 2019

Mayor Latham announced he would change the order of the agenda to move up Item #19-080 to approve the City Manager's decision to appoint Commander Gene Paul Smith to the position of Chief effective May 21, 2019.

Item #19-080 – Approve the City Manager's Decision to Appoint Commander Gene Paul Smith to the Position of Police Chief, Effective May 21, 2019

Mr. Staffopoulos explained after conducting a recruitment process for a new police chief for the City of Jacksonville Beach, going over five dozen applications, over a dozen shortlist candidates, and interview six finalists, the most suited candidate was within our own ranks, and that was Commander Gene Paul Smith. Mr. Staffopoulos stated Commander Smith has been with the Police Department for almost 25 years, possesses both a Bachelor's Degree and a Master's Degree, and he has the full respect of the troops within the Police Department along with the surrounding agencies.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the City Manager's decision to appoint Commander Gene Paul Smith to the position of Police Chief, effective May 21, 2019.

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

Newly appointed Chief Gene Paul Smith spoke briefly to thank his supporters and family.

The following people spoke in favor of the item:

- Bruce Thomason, P. O. Box 50556, Jacksonville Beach
- Lee Buck, 136 17th Avenue North, Jacksonville Beach

ANNOUNCEMENTS:

Council Member Golding attended the Hands Across the Sand event on May 18, 2019. Ms. Golding stated Mayor Latham and other mayors were there, along with Congressman John Rutherford, and Jacksonville City Councilman Bill Gulliford, standing in opposition to seismic blasting and offshore drilling. Ms. Golding also participated in the Festival of Chariots - Bhakti Yoga Culture & Wellness Fest. There was free vegetarian food and dancing.

Council Member Golding stated she and Mr. Staffopoulos attended a meeting with Jacksonville Councilman Gulliford, and Councilman-elect Rory Diamond, where they discussed Penman Road. The City of Jacksonville is going to move forward with a study for Penman Road to improve bicycle and pedestrian safety. The City of Jacksonville has also committed to installing three flashing pedestrian crosswalks tentatively proposed at 4th Avenue North, 8th Avenue North, and 15th Avenue North. The City of Jacksonville also plans to provide emphasis crosswalks at Seagate Avenue, Arden Way, and 18th Avenue North. The study plans to improve corridors to the beach.

Mayor Latham added Councilman Gulliford had done a lot for the community.

COURTESY OF THE FLOOR TO VISITORS:

- Bruce Thomason, P.O. Box 50556, Jacksonville Beach, expressed his appreciation to City Attorney Susan Erdelyi.

MAYOR AND CITY COUNCIL:

Item #19-078 – City Charter Language Discussion

Mayor Latham: “Moving on to Item #19-078. There’s no motion on that one right? You want to introduce the discussion?”

Mr. Staffopoulos: “At the last Council Briefing [May 6, 2019], this item was brought up, and it was requested that it be brought back for further discussion. So with that being said, in particular, you wanted to make sure you had the discussion with City Attorney Erdelyi present. So with that being said, it is here before you as a discussion topic. There is no motion. I think that the Council had expressed they had some questions for the City Attorney, and then ultimately, we’d be looking for a consensus on whether or not we should be doing anything going forward.”

Mayor Latham: “Okay. We actually, before we open the floor to the Council discussion, we have a couple speaker cards. First, Mr. Bruce Thomason. Bruce, I’m sure you got that post office box memorized pretty well by now.”

Mr. Thomason: “Thank you, Mayor. I’m Bruce Thomason, P. O. Box 50556. I speak tonight as a private citizen and a resident of Jacksonville Beach for the past 28 years, as well as being a former City employee and an elected official. During my years in public service, I was charged with the responsibility to act with integrity at all times to avoid even the appearance of impropriety or misconduct. The memorandum from City Attorney Susan Erdelyi contains information concerning what, on its face, raises ethical questions about the actions of one of our Council members. However, having heard only one side, any conclusions I might draw from the memo would be speculative and potentially unfair to the Council member. The State of Florida Commission on Ethics provides a process for investigating questions involving standards of conduct by a public official. One option is for a public official to request an advisory opinion about an ethical issue facing him or her. The advisory opinion offered by a representative of the Ethics Committee is based upon information provided by the official asking the question. The second option is for a person or a body, such as this City Council, to request that the Ethics Commission conduct a formal investigation into the allegations as detailed in the memorandum from the City Attorney. I encourage the City Council to choose option 2 for an important reason. A formal investigation allows the Ethics Commission to gather and evaluate information from the City Attorney and others identified in her memorandum, as well as the City Council member himself. Mr. Vogelsang deserves the opportunity to resolve the concerns raised in the memorandum from the City Attorney. At the same time, the citizens of this community need to have confidence that our elected officials are acting in an ethical manner. Thank you.”

Mayor Latham: “Thank you, sir. Lee Buck? Lee, if you’d come forward, give us your name and address again, you’ll have three minutes, sir.”

Mr. Buck: “Lee Buck, 136 17th Avenue North, Jacksonville Beach, Florida. I am in total agreement with the City Attorney Erdelyi’s opinion that the language in Section 30 calling for City Council members with misdemeanors is outdated and needs clarity and revision, along with many other provisions. As she says, most cities have more direct Charter language prohibiting Council members from interfering with administrative staff. Some cities have language in their Charters providing tools for censure or public reprimands of Council members. This language is not contained within the City of Jacksonville Beach’s Charter. Disruption in operations has resulted in connection with recent incidents. Furthermore, [Section 112.313(7) Florida Statutes] Conflicting Employment or Contractual Relationship (a) No public officer...shall... have or hold any employment or contractual relationship...that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties. With that said, this is the second time we have been faced with disruptions in operations. The first time involved festivals, and when I presented the example during our ethics presentation in St. Augustine, the presiding attorney said, ‘Your City Council is on a slippery slope,’ and we discussed that at our City Council meeting. We’re now faced with a much more serious situation as Section 30 has been violated, which involves private interests in the performance of public duties. This is not a reach. Not a reach, but potentially a serious violation. I trust the Council will review this very seriously and consider the language in Section 30. Secondly, and be absolutely sure to address this situation to prevent further occurrences of this nature. Thank you for your private...for your public consideration.”

Mayor Latham: “Thank you, sir. Last speaker card is Jon McGowan. Mr. McGowan, if you’d come forward, give us your name and address, you’ll have three minutes sir.”

Mr. McGowan: “Hi. I’m Jon McGowan. I live at 5 North 17th Avenue, Unit 401, here in Jacksonville Beach. I actually want to talk a little about what Bruce talked about with the Ethics Commission and kind of clarify what their role is for this sort of thing. There are three sort of instances that you’re going to interact with the Ethics Commission. One comes from a complaint. A member of the public can file a complaint, and the Ethics Commission investigates it. Those investigations can take years and then that goes before the whole Commission. The Commission will vote on a penalty. That’s one way that as an elected official or as a member of the public, you interact with that body. The second is they will issue a written opinion. A written opinion is a binding opinion. It is binding to the elected official that submitted it. It is...those written opinions can only be issued to an elected official. You can write over and say, ‘This is what’s going on. What’s your opinion?’ The City...the attorneys over there will look into it. Then that goes to the Commission for a vote, and then that vote becomes a binding opinion. It is only binding to that elected official and only in the circumstances as described. If there’s any material difference, if there’s any variation in the circumstances, that opinion no longer becomes binding. They’ve only issued nine of those opinions in 2019. They don’t do a lot of those because they don’t get a lot of requests. What most elected officials do is they pick up the phone and call, and that’s your third interaction, and they’ll request an opinion. Those are non-binding. They don’t really mean anything. It is the attorneys over there just giving you some general guidance. Hey, this probably a good idea or this is not. They mean nothing because it’s based on a limited phone conversation with, with just the facts as presented by the person making the phone call. I think that needs to be clear as this discussion goes on and as you look at what you want to do with the Charter. If you need to chan...you know, not only are there limited resources from the Ethics Commission, but they can’t investigate violations of the City Charter. They can only investigate violations of State ethics. I think that in both of these circumstances, Mr. Vogelsang has violated State ethics. I think that is clear, but as far as what Susan Erdelyi’s memo was, she was specifically addressing the City Charter. That does not fall under the jurisdiction of the Ethics Commission. So you need to, that’s why it’s important to put something in place in the City Charter that allows y’all to address this. That’s why it matters. To the last point, beyond that, I just want to point out that these accusations that have come against Councilman Vogelsang, he also likes to spin them as political witch hunts. They’ve come from three attorneys and two police officers. And tonight, y’all are voting on a new police chief and y’all often raise the praises of how much y’all support the Police Department and y’all support the police officers, but y’all have had two instances where two different police officers have come to you and said they have a problem, and both instances never went further; and, I’ve not spoken directly. My understanding has been they were scared of retribution. So, as you move forward, consider that. Where do you stand with the police? Where do you stand on this issue? Thank you.”

Mayor Latham: “Thank you, sir. Okay. Open the floor to the comments from Council. Does anyone have any comments? Mr. Doherty?”

Mr. Doherty: “Yeah, I mean, if we are to make changes to the City Charter, specifically Section 30, I believe there is some cleaning up that needs to be done with the language because when it was written, correct me if I’m wrong, a misdemeanor was enforceable by the City, but now, since we don’t have, we have no court here, no way of actually going that route, then we should probably look into putting a mechanism in for if such a circumstance arises, but one thing I would like to clear up is that I don’t see we are doing, we would be changing Section 30 due to anything that Mr. Vogelsang has done. I just think it’s an outdated and irrelevant piece of literature, so we

should update that. And the reason I say it doesn't pertain to Mr. Vogelsang is because the whole thing about permanency. Knowing Phil, and having served with him for six years, I don't think he would be trying to risk his career, his livelihood, or his reputation by jeopardizing or even putting himself in danger of being ethically challenged. I do think this is being blown out of proportion. Mr. McGowan, who just spoke, has had it out for him, Mr. Vogelsang, for six years. You've some balls on you speaking that way. But yeah, as a Council, we do need to look at the Charter, but as a point of necessity not as a reaction to any assumption that's been made on behalf of one of my fellow Council members."

Mayor Latham: "Thank you, sir. Ms. Dumont?"

Ms. Dumont: "Thank you. I agree with what Keith said. This has to be cleaned up. We don't have a municipal court, but I would also like to know a process. So if there were something, if a Council member were to violate any of the Charter, what would the process be without having a municipal court? When it was written, we had a municipal court. Now that we don't have a municipal court, I don't understand what the process would be. I guess we could take...do you want to just take notes or...I've got a couple little things. Alright, so one would be the process. I disagree with Keith in that I do...in the bold section on the copy that we have...in the bold section, it's kind of noted that council should not be interfering with administrative service and that would be the City employees. So that's where I would disagree. However, I could understand why there'd be some confusion in the language of Section 30 as a total because it's titled 'Council not to interfere in appointments or removals,' where it should read 'should not interfere with appointments, administration or removals.' So I think that's where the clari...the title deals with that first section, the first sentence. The second sentence deals with administration, and that's just not the title of the section. So this, these are things that need to be clarified and, and kind of touching on Chief Thomason, former Chief...do we still call him Chief?... Thomason noted was the, in this Charter, we also have to note Council members in what happens with the perception of impropriety. It might not...it's not always clear right or wrong, but there is a public perception and when it looks like certain elected individuals are getting a personal benefit or can get a personal benefit for a client, it's not just in your case, I'm not saying right or wrong, but in that kind of instance, the core of it the public loses trust in their government, and we cannot have that. So we need to make sure that perceptions of impropriety are also covered in our City Charter because our government is nothing without the trust of the citizens."

Mayor Latham: "Thank you, ma'am. Any others? I've been giving this a lot of thought and a lot of prayer, and I've got a comment that I'd like to make about this whole situation. It appears to me Mr. Vogelsang has demonstrated at least the appearance of a conflict of interest on three occasions. One being the festivals that we addressed a couple years ago. The second, approaching Jacks...Jacksonville Beach Police officers directly to request changes be reduced on his...charges be reduced on his client, and also by taking two Jacksonville Beach firemen as clients. Because of that, I think it's prudent to forward the City Attorney's memo to the Ethics Commission for their opinion. We have to hold ourselves accountable for any inappropriate behavior or conduct, and if we don't do it, who will do it. If we don't take any action, then we are basically approving Mr. Vogelsang's action by our silence, and we are equally responsible for letting the constituents down. If we send the memo to the Ethics Commission and they have no conflict, Mr. Vogelsang will be vindicated, and we can move forward confidently. If there is a conflict, then we are better prepared to handle them in the future. The Code of Ethics for officers and employees is codified in Chapter 112, Part III [112.311(1)], of the Florida Statutes. It says in part that, 'It is essential to

the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.' I'm going to pass the gavel to the Mayor Pro-Tem and request to be recognized to make a motion."

Ms. Hoffman: "Go ahead."

Mayor Latham: "Thank you."

Motion: I move that we, as Council, submit this memorandum from the City Attorney to the Ethics Commission.

My understanding, and correct me if I'm wrong City Attorney, we have the ability to get just an opinion with...if we submit this as a Council. Is that correct?"

Ms. Erdelyi: "You can get an opinion on any Chapter 112 issue from the Commission on Ethics, but what they cannot address is our City Charter."

Mayor Latham: "Okay."

Ms. Erdelyi: "So we're...that is up to you all to determine whether there has been a violation, whether you're concerned about the public trust. But as to the Commission on Ethics, if you believe the Code of Ethics has been violated, anyone can make a complaint. Anyone can request...this Body can request an opinion I believe."

Mayor Latham: "Okay."

Ms. Erdelyi: "But..."

Mayor Latham: "Thank you. Mr. Nichols?"

Mr. Nichols: "I have a little bit of a problem with sending this without having Mr. Vogelsang craft a response to it to send with it if we were going to do that."

Mayor Latham: "Mr. Nichols, I'm sorry I actually fell out of protocol once again. I've made a motion and..."

Ms. Hoffman: "Is it...did you complete your motion?"

Mayor Latham: "Yeah, I did. My motion is that we forward it to the Ethics Commission and request an opinion from them."

Ms. Golding: "Second."

Ms. Hoffman: "Discussion? Mr. Nichols?"

Mr. Nichols: “Yes. I’ll re-state that in submitting this, it would seem to me that Mr. Vogelsang would have the ability to respond to it to go with the submittal to the Ethics Committee, no?”

Ms. Hoffman: “Ms. Dumont? I can see your light on.”

Ms. Dumont: “I was wondering if the City Attorney could answer my previous question what the...so we’re looking at two different processes here. We’re looking at a violation of State law, and we’re looking at a violation of City Charter. So we’re looking at, with the Ethics Commission, getting an opinion on State law, which is something that is totally different than what the original memo was about, which is the City Charter. So regardless of what we decide on this, what is the other option with the City Charter?”

Ms. Erdelyi: “With the City Charter, this Body has the inherent power to do one of many things. You can determine whether you believe that the actions are a violation of the Charter or not. If you find the behavior is something that troubles you, you have the inherent power to issue a reprimand, a censure, or not, but it is your duty as a City Council to determine if the facts that occurred, or have been reported, meet the criteria that, frankly, the public trust criteria, because you will all be judged by how you handle my report.”

Ms. Dumont: “So I have a follow-up. The...so when you say it will be this Council’s responsibility, I agree with that, but would it be held as a separate meeting, as a trial? What would be the...I don’t understand what the process would be. Would this just be an agenda item on a regular City Council meeting? Would we have a chance to actually hear...if we’re acting as a legal body ‘cause we’re going to be interpreting the City Charter, would we be hearing from those who said...who have interacted with him, the three public...the officers, as well as the other public employees? Would Mr. Vogelsang have a chance to respond? I’d just like clarity in the process.”

Ms. Erdelyi: “So any action you would take today would be taken pursuant to your administrative ability as a Council member. This is not a legislative act. It’s not a quasi-judicial act. It’s an administrative act. So if you’re concerned about due process, I understand that Mr. Vogelsang read his statement at the last Briefing. That would technically meet the process that is due, but if you would like to give him more process, that’s within your purview as well. So...and as to your earlier question about what process would we envision under...if we were to make some revisions to this section of the Charter, you could do the process in the actual body of Section 30 in the Charter. I have seen other governments do it as an ordinance, that if someone deviates from Section 30...I would like to see Section 30 be more clear to...it addresses ordering employees and it talks about service, administrative service, instead of employees. If I were to rewrite it, I would rewrite it in plain English. You know, for today’s, with today’s language. But I will say this, I read a lot of other cities charter provisions, and they also have this outdated language with the misdemeanor. I found one where the process called for having a complaint that council...voting it as a violation and referring it to the State Attorney, which in my opinion, is a poor idea because I don’t think the State Attorney needs to be involved in this. This is your Council. You, as the Council, set the rules for yourselves. So that is the...as far as remedy in our...in Charter Section 30, you all can set that remedy. You can do it by Charter revision. You can do it by an ordinance. You can do it by policy. It might be a good idea to have a policy more directly guiding our employees to not have direct contact with our City Council members because they feel they’re in harm’s way if they’re pressured by any of you, whether you think of yourselves as being just a person or someone with an interest in whatever they do, they see you as Council members and

they want to help you. They want to reach out and tell you what you want, and that is interfering in the role of your City Manager. He is in charge of your administrative service. So..."

Ms. Dumont: "Last process question on this. If we were to update the City Charter, what is the process?"

Ms. Erdelyi: "You know I was...you can do it through referendum. You may be able to do this through an ordinance. This is...may fit into one of those categories under the statute that you could do it by ordinance."

Ms. Dumont: "Thank you."

Ms. Hoffman: "Council Member Vogelsang has his light on, but would it be a conflict of interest for him to speak since he's the topic of the motion or..."

Ms. Erdelyi: "I don't think so."

Ms. Hoffman: "Okay. Council Member Vogelsang?"

Mr. Vogelsang: "All of us, we have regular jobs and the 900, and we joked about this at our last Briefing, that \$900 or so a month that we get for this job, we don't do it for the money. We do it for the city and to live in a better community. So we all have jobs. We all interact with City employees in most of our professions up here because that's what we do collectively, and I'm...I would be happy and...for instance, just because...Mr. Mayor, you work for Waste Management. You meet regularly with city staff in Jacksonville regarding your...the corporation you work for. Everybody knows you're the Mayor of Jacksonville Beach. That doesn't mean that you pressured anybody for decisions or anything like that. I would...so general discussion with City employees is something that we do on a regular basis within, collectively with our employment. So the allegation, there was never an allegation made by this employee that I pressured him because there wasn't any pressure. Chief Dooley...I spoke to Chief Dooley about this incident. He articulated that there was never any pressure given this employee. So that's where the...I think some clarification...if we as a Council don't think...that we shouldn't have communications with City employees and they should just go through Mr. Staffopoulos, I'm happy for that direction. But in this particular circumstance, I think there was nothing out of bounds based on my...what my private discussions were with this individual just like, and I'll take it a step further, Mr. Latham, for instance, Waste Management is about to buy out Advanced Disposal. Does that mean you gotta quit being the Mayor because..."

Mayor Latham: "It might, yeah."

Mr. Vogelsang: "I don't think that that rises to the level of you not needing to be Mayor anymore because you have private occupation that pays the bills. It doesn't take away your ability. You know what I'm saying? So that's where you...you weigh in, and you make sure there's no impropriety in your discussions, and that's what I took personally, and I had that, and it was never an allegation by this individual that I acted improperly with him or pressured him to do anything. In fact, it was quite the opposite, but I guess I had a conversation with a City employee. If we don't think that that's something that we should do...this Charter doesn't say that. This Charter doesn't say don't talk to City employees. So I'm...I'm open to that clarification and guidance, but

my, I just want it for...clear on the record that there was never any impropriety done based on my discussions with that...with that police officer.”

Mayor Latham: “Okay.”

Ms. Hoffman: “Mayor Latham, did you have something to add?”

Mayor Latham: “I do. I’d just like to say that when I first was hired by the, before I was hired for the company, I called the Ethics Commission, explained what the job responsibility would be, and got the verbal okay, and then, shortly after that, I was asked by my company to register as a Lobbyist. So I asked the Ethics Commission in writing for a formal response and so, I mean, that’s what I have. I have a formal response from the Ethics Commission saying that I am authorized and it’s not a violation or a conflict of interest for me to work with the City of Jacksonville, only the City of Jacksonville Beach, but I can’t approach the Public Works Director or an employee of the City and talk about the services that my company offers, or that would be a conflict of interest. I think you know, Mr. Vogelsang, with all due respect, I’m not asking that you be punished. I’m not asking that you be admonished or censured. I’m asking that, for the sake of transparency, and for the sake of making sure that we’re all on the same page, and the public believes that we are watching ourselves, to make sure that we’re following the rules, that we request a formal opinion, not that we file a complaint. As individuals, my understanding is we have to file a complaint. Is that correct, as a Council that we can request an opinion?”

Ms. Erdelyi: “You can request an opinion. I guess the Council could file a complaint as well.”

Mayor Latham: “Okay.”

Ms. Erdelyi: “And frankly, a complaint with the Commission on Ethics would be investigated. Somebody mentioned concern about Mr. Vogelsang being able to say his side of the story. A complaint would flesh that out. They would speak with Mr. Vogelsang about his reasoning for reaching out to a police officer for the City who his client punched, and asking that officer if he would agree to a lesser violation. That...I think the issue in front of the Commission on Ethics would be whether that’s a violation of the provision that prohibits any of you from using your position as a public official to further your private business interest, because I believe Mr. Vogelsang was acting in the capacity as a private attorney representing the man who committed a disturbance in our city, was drunk, it took four of our officers to subdue him and get him under control, and his client punched one of our officers. And for a member of this Council to reach out to that officer and ask him about the discipline that a court would impose, whether that officer feels that he was pressured, that is a pressuring situation, and I consider that to be a deviation of Section 30 as well as Chapter 112. So that was my concern. I did not want to write this memo. I felt I had a duty to write it.”

Ms. Hoffman: “Mr. Doherty?”

Mr. Doherty: “Yeah, were there any other opinions asked of the Florida Bar and the Ethics Commission pertaining to this?”

Ms. Erdelyi: “Is that to me?”

Mr. Doherty: "No to Mr. Vogelsang."

Mr. Vogelsang: "Yes. Representing an employee is not a violation of any ethics or Florida Bar rules."

Mr. Doherty: "So the Bar said it was okay?"

Mr. Vogelsang: "Yes."

Mr. Doherty: "And what about the Ethics Commission?"

Mr. Vogelsang: "The Ethics Commission said it was okay?"

Mr. Doherty: "So what would...if we were to file a complaint, what would the complaint be? That he didn't adhere to our Charter, which is not their agreement? I don't understand."

Ms. Erdelyi: "You can't write a complaint to the Ethics Commission on our Charter."

Mr. Doherty: "So what would the complaint be?"

Ms. Erdelyi: "It would be under Chapter 112, whether it was a violation of Chapter 112 for a member of the Council to use his position as a public officer to get the phone number for the police officer, to contact.."

Mr. Doherty: "Yeah, I know we're going into the details of the case to sound more attractive, but the point is if he's already got the decisions from the Ethics Commission, why would they change their mind?"

Ms. Erdelyi: "Because the Ethics Commission is given the facts by Mr. Vogelsang. The facts as I've laid them out may be different, and the Florida Bar doesn't address this issue at all. The Florida Bar concern would be whether Mr. Vogelsang had a conflict in representing two firefighters who had committed a crime, and they were together during that crime, and that would be what they would look at. They don't look at his duty as a public official or as a City Council member."

Mr. Doherty: "I'm just having some difficulty in being able to, you know, there should be an attempt here...This is a small city. I come into contact with public employees every day. It's impossible not to converse with, well, if you want to be rude, you can be rude to people and not converse. What I'm saying is that it's such a small town. It's hard to avoid people that work for the City. It's hard to avoid people whose family work for the City. I think if Phil had tried to bend the rules or break the rules to benefit himself, I could see us pursuing something. But I just don't...since the cases are done, there's no permanency there. I just don't see now why we should reopen it. [Inaudible]."

Ms. Erdelyi: "Just so you know, my concern...I agree with you. These situations are over. My concerns are about the situations that may occur in the future, and as your City Attorney, I have a duty to document this. This needs to be in the public, and so I've done my job."

Mr. Doherty: "What...so are you telling us to investigate Mr. Vogelsang or change the...Section 30?"

Ms. Erdelyi: "I think the actions are covered by Section 30, but it's not my decision. It's yours. I don't enforce the Charter against any of you. I don't do any of that."

Mr. Doherty: "Should we as a Council decide whether we think Section 30 is appropriate here?"

Ms. Erdelyi: "That could be one thing that you look at, certainly."

Ms. Hoffman: "Ms. Dumont?"

Ms. Dumont: "Thank you."

Amended motion: I would like to amend the motion to change it from an investigation to a complaint, and the reason why I'm doing that is this really does need to be looked at and investigated, and Phil should have a chance to have his name cleared, so there's no more question within the community. Oh, it's an opinion one way or another, but for his reputation and his, you know, for his reputation as well as his business, I think that this should be upgraded to a complaint so this way we can actually have both sides looked at and have an even arbitrator come up with a decision and that would be the State's Ethics Commission."

Ms. Hoffman: "Is there a second to the amendment?"

Mayor Latham: "Second."

Ms. Hoffman: "Any discussion on the amendment on itself? Can we get a roll call on the amendment only?"

Roll Call Vote on Amended Motion: Ayes – Dumont, Golding, Hoffman, Nichols, Mayor Latham
Nays – Doherty
Abstain - Vogelsang
The motion passed 5-1

Ms. Hoffman: "Is there any other discussion on the amended motion?"

Mr. Nichols: "Can you, can you read the actual language in the motion please?"

Ms. Hoffman: "City Clerk, do you have that?"

City Clerk: "I have pieces of it."

Ms. Hoffman: "Give it your best shot."

City Clerk: "Let's see. I guess the Mayor recommended the City Attorney to file the memo with the Ethics Committee. I'm sorry. It's all pieced here. I can play it back for you."

Mayor Latham: "Yeah, the motion is, the original or the amended motion?"

Ms. Hoffman: "Amended one."

Mayor Latham:

Amended motion: "The amended motion would be a recommendation, a motion that we submit the memorandum provided by the City Attorney to the Ethics Commission as a complaint so that they may investigate the complaint and respond to us."

Ms. Hoffman: "Is there any other discussion on the motion as amended? Roll call?"

Roll Call Vote: Ayes –Golding, Hoffman, Nichols, Dumont, Mayor Latham
Nays – Doherty
Abstain - Vogelsang
The motion passed 5-1

Ms. Hoffman: "At this time, do we want to take action on revising Section 30 and, Ms. Dumont?"

Ms. Dumont: "Yes. I'd like us to direct the City Attorney to revise Section 30 for more clarity's sake, as well as putting together a policy or an ordinance where City employees do not...City employees are not engaged in certain actions with City Council members. That doesn't mean you can't talk to them and say hi, and like be rude and such, but when it comes to your business, engaging them in...for instance, everybody knows that I volunteer every week with the Police Department, have for a very long time, and when I need information for Council, I could go up to them and ask them directly for it. I go through the City Manager and ask him to put in the request to the Police Department, and I'm walking in, and I know that they're talking about the information that I've already requested, but I don't say anything. I stay very separate from that, so that is my volunteer role, and I don't engage in the workings or the functioning of the department with regard to the information that I'm looking for. And so there's like that kind of interaction is separate than me going and saying can I have this information because then other information that may be more pertinent that they need to address is going to...has the potential to get pushed aside just because of who I am and not what the question is. So we need that clarity in ordinance for the staff as well as revision of Section 30 in the City Charter to update the administrative part. So it should not just be appointments or removals. It should be appointments, administration or removals, and while you're at it, let's do a quick go through of it, and if there's anything else that is really antiquated, bring it to our attention."

Mayor Latham: "Do we need a vote from Council to move forward on this, or can we take that as an administrative request?"

Ms. Erdelyi: "I'll accept it as an administrative request."

Mayor Latham: "Thank you."

Ms. Erdelyi: “Unless there’s any opposition to it.”

Mayor Latham: “No, but that would have been a long motion. Okay. Thank you. We’re moving on to Agenda Item #19-079, and there’s a...pardon me, sir?”

Mr. Staffopoulos: “Can I just make a last comment before you move on?”

Mayor Latham: “Yeah, sure.”

Mr. Staffopoulos: “One of the things that was brought up was the position that it puts the City Manager in when you all have contact with the staff and one of the things that I would strongly suggest to you is that, we have a Briefing coming up that is reserved specifically for the Council to talk about Council items. I believe the date that we’ve earmarked for that is June 17th. What I’d like the Council to consider going into that Briefing, and again the topics will be yours to discuss, is what the appropriate code of conduct is for the Council members going forward with regards to interactions with City staff. As several of you have pointed out here, not only is it a small community, but you are also involved in local business activities, and sometimes those business activities have interactions with City staff. Sometimes the City staff are patrons. Sometimes the City staff may be clients. Sometimes they may be partners that you work at based on the business that you’re in. There was also a reference that was just made to volunteerism when someone is appointed to the Board. That should also be a conversation as to whether that’s still appropriate once you are sitting on this dais. So I’d like you to think long and hard going into that Briefing about whether that’s the appropriate venue to have a conversation about what the standards should be going forward. I can say beyond a shadow of a doubt that when you are communicating with staff, and you say I’m just a resident today, that is not how they view you. They view you 100% of the time as being a Council member that sits on this dais who makes decisions with regards to the budget, changes in pay plans, ratification of contracts, etc., and so it does raise a concern for me with regards to what the interaction is of all seven members going forward, and regardless of what happens on this particular issue, I think it does need some extreme clarity going forward.”

Mayor Latham: “Points well taken. Thank you.”

CITY CLERK:

CITY MANAGER:

Item #19-079 – Accept the Monthly Financial Reports for the Month of April 2019

Mayor Latham advised there was a revised financial report [on file] that was distributed to all the Council members.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to accept the monthly financial reports as revised for the month of April 2019.

Chief Financial Officer Ashlie Gossett stated the Cash and Investments by Type page was revised due to an Excel error.

Ms. Gossett answer a question about the reports.

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

Item #19-080 - Mayor Latham stated this item had been moved up.

Item #19-081 – Authorize the City Manager to Recruit for the City Attorney

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to authorize the City Manager to recruit for the City Attorney.

Mr. Staffopoulos stated a lot of information has been provided to Council and referred to the comparison of salaries and retainage for local communities around Jacksonville Beach. Mr. Staffopoulos recommended hiring a full-time, in-house City Attorney, noting he sees a need for staff on a regular and daily basis for interaction with a City Attorney.

Discussion ensued relating to the current tight labor market, finding someone to work for the salary that would be offered, and still having to contract out specialty work.

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

Mayor Latham acknowledged the following had submitted a speaker card but had not been called to speak:

- Lee Buck, 136 17th Avenue North, Jacksonville Beach – Mr. Buck decided not to speak.

Item #19-082 – Award Bid Number 1819-11 for the Pollution Control Plant (PCP) Switchboard Replacement to Miller Electric Company and Include a Ten (10) Percent Contingency

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to award Bid Number 1819-11 for the Pollution Control Plant switchboard replacement to include a ten (10) percent contingency.

Mr. Staffopoulos stated this is electrical upgrades at the wastewater treatment plant and Beaches Energy is proceeding with the work. Beaches Energy Services Director Allen Putnam explained several years ago, there was a program to turn the generator on at the Pollution Control Plant to cut peak demand of energy from Florida Municipal Power Agency (FMPA). The equipment is no longer under warranty. It is difficult to find parts and qualified repair people. This bid is to put it back to its original configuration. After this work, Public Works would maintain.

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

Item #19-083 – Authorize the Public Works GIS Enhancements and Data Development Task Assignment

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to authorize the Public Works GIS Enhancements and Data Development Task Assignment in the amount of \$48,133.00 to Jones Edmunds as described in the memorandum from the Public Works Director dated May 10, 2019.

Mr. Staffopoulos stated Beaches Energy and Public Works are moving closer to an assets management system and control of all of our infrastructure. Enhancements are needed to the current GIS system. Public Works Project Engineer Kayle Moore explained the background and benefits.

Ms. Dumont stated there is a cost up front, but it would be a huge cost savings in the long run.

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

Item #19-084 – Authorize the Mayor and City Manager to Execute the Interlocal Agreement between the City of Jacksonville Beach and the City of Jacksonville for Advanced Life Support and Fire Services.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to authorize the Mayor and City Manager to execute the Interlocal Agreement between the City of Jacksonville Beach and the City of Jacksonville for Advanced Life Support and Fire Services.

Mayor Latham: “We got a motion and a second. This is something we’ve gone through for quite some time. I don’t know if you need to...you want to add a few things?”

Mr. Staffopoulos: “Sure. Might as well provide an update for those that only remember the last meeting which was back on April 15th when this item was deferred to tonight, May 20th. There was a Workshop that was held on April 29th whereby there was a good conversation with Council. There was a review of questions and answers that we had posed to the City of Jacksonville, and there was direction coming out of that Workshop for two things. Number one, to see if the changes in the language that had been amenable to the City of Jacksonville could actually be incorporated into the Agreement, and there was also a request to ask a question of the City of Jacksonville as to whether or not a stand-alone rescue could function as a first response apparatus instead of going out in tandem with an engine. We did receive from City of Jacksonville the green light on the language that you see in front of you tonight which has been incorporated into the Agreement. City of Jacksonville Administration is comfortable with that language as you see it. The second is with regards to the issue of the stand-alone rescue where they were not amenable to allowing a rescue to be individually dispatched and not go out parallel with an engine. So if there was a desire from the Council to have a third apparatus under a contractual arrangement, it would have to be either an engine or a ladder. It could not be a rescue. The other thing that we provided to staff and is within the memo is a chart of modifications that have been made in the language. One of things that we also provided you with were three new slides [on file] which we’d like to show you tonight only because there were a lot of statements at the last workshop with regards to what is a savings versus not a savings, and I think there’s two different ways that savings can be viewed. One is in comparison to whose providing the service. Who’s doing it less expensive than the other, and then the other is with regards to our baseline budgeting. What we already have in our proposed budget for fiscal year 2020. So what we wanted to do was walk you through the three slides so

you could see what the numbers and the differentials are with regards to what we're proposing to expend in fiscal year 2020 and beyond. So this first chart is basically a comparison of our current operation, which is that second column the Current Budgetary Projections carried out for 2020, 2021, and 2022 under our current staffing. So that is the two 2-person engines, the one 3-person ladder, and the one Shift Commander. The proposed contract from City of Jacksonville is what you would see in the third column, and the budgetary impact on contracting out the service with their proposal versus our current staffing is what's shown in the far right column. The second table that we show is if we were to reduce our staffing in order to match the proposal that was put forward by the City of Jacksonville and Jacksonville Fire Rescue. So what we would do, again in that second column Current Budgetary Projections, actually would drop down with the reduced staffing for a savings of \$340,000, but again, the budgetary impact over on the side, the far right column, is with regards to Jacksonville's proposal in comparison to our budgeting for 2020. So even though we would save \$340,000 a year, it would still not be as much as if we were to contract out for the same service. So you can do the math with regard to the differentials, but the time you are out to 2022, there's about a \$1 million differential per year between doing it in house and contracting out the service. The third slide is if everybody increased to the current number of apparatus that the City of Jax Beach currently has, but providing it at the recommended NFPA staffings. So our budget would go from \$4.58 million up to \$5.58 million for an increase of \$1 million a year over what we're spending today. The City of Jacksonville would increase by, if you remember at the Workshop, we had...their cost was a little over \$1.4 million to add a full cost engine into the mix. So their number would come in at \$5.16 million with the cost that we would still need to bear in house as part of the contracting for a budgetary impact of plus \$580,000. So there is a savings of going with the contracting route, but both of these options under this particular scenario would be increases under the current proposed budget that we would have for fiscal year 2020. So I wanted to make sure that everyone was aware that when we talked about option 3 in particular, of having three apparatus on the road and staffing them to those NFPA standards, and regardless of whether it's in house or contractual, it would be an increase over the costs we are currently incurring today, and it's a matter of the differentials shown there of in house versus contracted. So I just wanted to make sure that we walked through and understood what was a savings versus what was a reduction in expenditure based on contracting versus doing it in house. Option 3 would cost us more money. And with that, staff is here to answer any questions that you may have."

Mayor Latham: "Okay. We've got several speaker cards to go through first before we open it up to Council. Before we begin, I would like to remind everybody that this is an equivalent of a court and it's my responsibility to maintain decorum here. So I know this is a very emotional issue for both sides and I'm asking you please just give respect to everybody speaking. No clapping. No shouting. Whooping it up. Let's just do this like grown men and women. Okay? First speaker Kyle Dilks? Kyle, if you'll come forward. Give us your name and address; you'll have three minutes, sir."

Mr. Dilks: "City Council of Jacksonville Beach, my name is Kyle Dilks. I reside at 175 Peter Island Drive. I'm a Firefighter/Engineer for here at Jacksonville Beach. I met my wife in Jacksonville Beach, and I have family residing here, which speaks to what this city means to me. Jacksonville Beach Fire Department firefighters I work with have become my second family. For over the past year of negotiations, I have listened to dollar figures referring to long term potential savings, issues over public opinion who don't seem to understand the impact of what being a firefighter in this community entails. I have heard and read from misinformed individuals set in

their ways, and local newspapers that have decided to publish opinions rather than facts, all to generate hysteria and convolutions. Prolonging the completion of this merger over the past year has hindered morale creating a rift in the department and sacrificed proper staffing. It goes without saying that firefighters are exposed to carcinogens leading to higher potential for developing some forms of cancer during and after their career. In truth, it resonates so strongly in this department after the untimely loss of a captain all too soon. Maintaining clean gear is essential and arguably the easiest way to lower the chance of an arduous battle with cancer. Currently, all personnel have only one set of gear and need to go to their local Jacksonville fire department to properly sanitize it since we don't have an extractor ourselves. Budgeting for an extractor is just one of the large necessities that have put on hold due to this impending merger despite its importance. The real reason I am here speaking before you to prepare for a day I hope no JBFD firefighter has to face. Imagine a long radio tone goes off signaling a fully involved structure fire or high rise. The seven on duty combat personnel from Jacksonville Beach Fire Department are responding to a structure fire beyond our scope and manpower ability. We have a duty to force entry and fight a fire we are no match for. Surrounded by immense heat, zero visibility, and unknown residential or structural floorplan, we move forward. For some reason beyond our control, the structure collapses. I find myself trapped by a beam far beyond my ability to lift. I am now relying on six JBFD firefighters to locate, extricate, and drag my body while we wait for Jacksonville's mutual aid to arrive on scene after receiving a delayed response. For a point of reference, I weigh just under 300 pounds in full gear. According to a study posted on Firehouse.com, which is our local forum for firefighters, it took an average of eight to nine minutes for a rapid intervention team to reach a downed firefighter. It took an average of 22 minutes to find, package, and secure an alternative air supply. It took an average of 12 firefighters to rescue one downed firefighter. The manpower, abilities, training facility, and more dependable equipment Jacksonville has to offer in a unified command would make a difference to prevent losing the life of a citizen, firefighter brother, or firefighter sister. Every year I fill out a sheet of paper that is to indicate the people to be notified in the event of my line of duty death. Could you tell a husband, wife, or child that they will never feel their loved one's embrace again, or hear I love you from the first responder who acted with courage and valor over an impairment you constrain them to? For the City Council members who choose to vote no or the citizens who choose to oppose this merger, you will show that control and the perception of a home town Jax Beach Fire Department feel was more important than saving the lives of those who protect you."

Mayor Latham: "Thank you, sir. Next, Bruce Thomason? Honorable Bruce Thomason. Bruce, if you'd come forward. Give us that post office box one more time. You'll have three minutes, sir."

Mr. Thomason: "Yes, sir. For the last time, Bruce Thomason, P. O. 50556, Jacksonville Beach. As the elected representative for Jacksonville Beach, you have a critical decision to make tonight. Will you give up our Fire Department to the City of Jacksonville, and if so, why? Is our city in dire financial straits? No. We'll be debt free next year. Will Jacksonville give better service than what our Department currently provides? No. Their proposal reduces personnel. It reduces equipment, and it reduces services that our Fire Department currently provides. Should cost savings be the only criteria for giving away our Fire Department? Absolutely not. Giving away our autonomy as a city starts with such decisions. If a resident or business owner is dissatisfied with the service provided if Jacksonville is in charge, he or she will no longer have that local connection to express a concern. They can go straight to the firehouse and talk to the Fire Chief, Fire Captain or Fire Lieutenant, or they can go to the City Manager's office, or they can appear

here and express their concerns. The decision would be made in Jacksonville by officials that have limited knowledge of our city and our needs. If you give away the Fire Department today with no financial crisis facing the City and other measurable, valid criteria for doing so, which department will be next? How long then before we become simply another neighborhood of Jacksonville. We have a fire department that provides outstanding customer service to our community, and they don't view Jacksonville Beach as just another fire district that has to be covered. So please ask yourselves what issue is so important that it can only be resolved by voluntarily relinquishing control of the fire service to Jacksonville? If you decide to give up our Fire Department, it will fundamentally change the level and quality of service this City has provided for decades, and in my opinion, not in a good way. The bottom line? This is a bad deal. Thank you."

Mayor Latham: "Thank you, sir. James Sorrell? Jim, if you'd come forward and give us your name and address, you'll have three minutes, sir."

Mr. Sorrell: "Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach. I've been a resident here since 1976. Half the roads here were dirt and electricity was a luxury. Since then, our electrical department is one of the best in the state. Our water, sewer continues to improve. We've actually taken the golf course, and when municipalities are actually closing them, you decided, and you made it a very successful enterprise. Well, what I suggest to you is the fact that this is one other thing that we need to keep in house. Our Fire Department, there is definitely some problems, but all these departments, all these problems that come up, you have as a City Council, solved them. You found a way of doing it, and that's what I'm asking you to do is to try to solve it in house first because once you lose, once you give up this fire department, you won't be able to afford to bring it back into the, into the fold again. It'll cost way, way too much, and bottom line is this two year probation period, let's do the probation in house. Let's see if you can make a functioning fire department where not only the citizens are getting great service, continued great service, but the fire structure is restructured whereas everybody could be made whole again and happy. This would be better because I don't believe you're going to find that in Jacksonville because I grew up in Jacksonville. I own properties in Jacksonville, and I'm gonna tell you, I'm not happy with the services in Jacksonville. I'm not talking just the fire; I'm talking about the water, sewer, the sanitary systems. Jacksonville is a monster city. They have monster responsibilities as you well know. One of the largest cities in the United States. They're spread way too thin to provide the type of services we get here, and we're known to expect — also, our...just look at our tax bases. People are moving into this area for these services, and I believe we can do this better in house than to farm it out. So I would hope that you try to keep it in house, fix it, and make everybody whole, the firefighters and the citizens. Thank you."

Mayor Latham: "Thank you, Jim. Ken Marsh? Ken, if you'd come forward, give us your name and...Ladies and gentlemen? Thank you. Ken Marsh? If you'd come forward, give us your name and address, we'll give you three minutes, sir."

Mr. Marsh: "Ken Marsh, 2011 Gail Avenue. Third time up. You know my position. I'm opposed to it, but I'm also...I've heard what the firemen have to say. Certainly, I hope you hear 'em. They need help. Okay? They need help. They've been telling you for years they need help. They're stressed. They're underpaid. They're understaffed, but to sell this off Jacksonville city is the wrong idea. You're taking the extreme, and I think its page 12 of what the City put together. We can improve the department. Come up with \$1 million bucks. We have \$164 million budget. We can come up with \$1 million, maybe even more to help them out, and we should. I...This isn't

my first rodeo. I think that three of you all, I'm gonna call the shot, and I think three or four are going to support this, and if it's gonna get supported, I think you're gonna use the issue of savings, and as Bruce pointed out, this isn't about, I mean, this is making it palatable for the citizens in saying this is a savings. This is \$1 million out of \$164 million, and on page 12, Mike and his staff put what we can get money to improve the Fire Department, and we should do that. So we know for years that we've been fiscally responsible. So let's not tell the citizens that we need to farm this off to Jacksonville city because of some kind of money saving issue. We are not in the red, and we're gonna be debt free next year. And I'm gonna say it again, to say that we're debt free in 2020, but we're gonna be without our Fire Department, is just the wrong thing to do. The right thing to do is to help our Fire Department and to give them a better lifestyle for them and their families. You've heard so many of them, and I'm not really sure why we haven't responded in the past years, and we've gotten to this point. Okay? But I also want to say that there is nothing that indicates that this is a citizens led issue, and that's why I know there's gonna be three people up there, at least three, that are going to oppose this because they know that as well. So help the firemen out. Help the citizens out and let's keep the Fire Department here in Jax Beach where it belongs. Thank you."

Mayor Latham: "Thank you, Ken. Jeanell, the Honorable Jeanell Wilson. Jeanell, if you'd come forward. Give us your name and address. You'll have three minutes, ma'am."

Ms. Wilson: "Mayor, Council, Jeanell Wilson. I live at 2014 S. Oceanfront Drive, Jacksonville Beach, Florida, and as I mentioned before, when this idea was first floated by some of the Fire Department about merging with Jacksonville, I was determined to keep an open mind about this, get all the facts, and then weigh it out, and..but in reading through the Agreement, it has become obvious that we would not be getting the same services in Jacksonville that we are here with our own fire department. And some of the other concerns, we'd be reducing our staff and also be reducing the number of fire engines that we would have. Other concerns are that we would supposedly save \$15 million over a ten year period, but if we ask Jacksonville for the same amount of services that we're getting now, that would probably eat up that savings that we would have if we asked for more services. Another concern is the special events and emergency response, and how responsive would they be able to be. Our own fire department is very supportive of our festivals and all the different events that we have here. Another one is inspections on hotels and condominiums, and everything the fire...annual fire inspections on new building facilities and new buildings that has to be done, and would they have the personnel and response time that we now have. And then another major concern I have is in 20 years, if things are not working out, it would be a major, major expense to start a new fire department, buying equipment, starting all over again, and granted we would have the buildings supposedly, but that's just a small piece of the puzzle if we have to start all over again with our fire department. And I've heard a lot of citizen input since this whole thing started, and overwhelmingly, the citizens input has been that we want to keep our own fire department. We want to remain autonomous with our fire department. We like our Fire Department. A lot of this can be evidenced by the people out here today. The Pablo Towers group that have a petition they submitted, I think, and several others that like having the security of having the Fire Department nearby. As a lot of you know, my time on the City Council, I was the fiscal conservative and wanted to save the City money any place we could. But in this case, I'm not sure we are actually saving money. I think keeping the fire department in our control would be worth the extra money if there is extra money required. So I am opposed to the merger. Thank you."

Mayor Latham: “Thank you, Ms. Wilson. Isabel Bartilucci? Isabel? Isabel, if you’d give us your name and address, you’ll have three minutes, ma’am.”

Ms. Bartilucci: “I’m Isabel Bartilucci, and I’m at 115 3rd Street South. I’m a newbie at the beach. I just moved in here about a year ago. I retired to the beach ‘cause it’s the place I wanted to be. Well, I moved to Pablo Towers, and it is a community within a community, and it is wonderful. I believe that we need to get our Fire Department in shape because we depend on it constantly. I work the desk, and I know I call them three or four times a week, and they are wonderful. And I am surprised at the way they behave and the way they carry themselves with the load they’re carrying. It’s amazing. I admire them greatly. I feel like what we need to do is fix the department. Give them the vehicles. Give them the manpower. Support them. Let them be proud. They are proud people. The tapestry of this community is made by the Fire Department and the police officers because they are our first responders. We depend on them constantly. So I beg of you, think of that. Think of not the dollar sign, but how we interact with them and how wonderful they are, and it would be a shame to give it away because first it will be them, and then what else? This community, Pablo Towers, is vibrant. They have been involved with everything in the city, and they still are, and they will be. So with us just nagging, we are important to the city, and I wish I would have...wish that you already think about that because we are proud people. Thank you for your time.”

Mayor Latham: “Thank you, Ms. Bartilucci. The Honorable Lee Buck. Lee, if you’d come forward. Give us your name and address. You’ll have three minutes, sir.”

Mr. Buck: “Anybody that knows the Honorable Bruce Thomason will know that he read every page of this 60-page report, but anyway, so...”

Mayor Latham: “Lee, I need you to start with your name and address, please.”

Mr. Buck: “Oh, I’m sorry. 136 17th Avenue North, Jacksonville Beach, Florida. I’m not gonna touch on the things that have already been stated here, but I am gonna touch on a couple things that I think are vitally important that have been discussed earlier, and that is Councilman Vogelsang, to go to the Police Department and not tell them...”

Mayor Latham: “Mr. Buck, we have to stay specific to this agenda item. We’re not able to talk about previous agenda items.”

Mr. Buck: “I’m sorry.”

Mayor Latham: “You need to stay focused on this agenda item. We can’t talk about the other agenda item.”

Mr. Buck: “Okay. Well, I’m gonna make one point, and that is this, from the report that he sees no conflict of interest in representing Jacksonville Beach...”

Mayor Latham: “Mr. Buck, we have to stay focused...”

Mr. Buck: “Okay. I just don’t understand how he can fail to excuse himself from voting when he’s been turned to the Ethics Committee. With that, I’ll end that.”

Mayor Latham: "Thank you, sir."

Mr. Buck: "But anyhow, it's been covered thoroughly that Jacksonville has 24 city councilmen. They cover a huge area. We've had the best protection you could ever ask for here at the City of Jax Beach, and you've been hearing that from everybody that's been up here speaking. And in addition to that, it was not surprising to me that the University of North Florida poll shows Jax Beach residents favor a referendum on fire department, 61 percent said they do, 26 percent no, 13 percent don't know. From the beginning, this just too big an issue to cover tonight. It should be under a referendum, and I am thoroughly opposed to turning the Fire Department over to the City of Jacksonville. Thank you."

Mayor Latham: "Thank you, sir. Appreciate it. Okay. I've some that do not wish to speak. These are people who...first off, I've got a petition from, it looks like, Pablo Towers, with 102 signatures, 103 signatures [on file]. I've got Beverly Fountain. She's in opposition...I'm sorry, in support, but does not wish to speak to the Council. Carla Tracy is in support, does not wish to speak with the Council. Sue Heckert is in support, does not want to speak to the Council. We got Bobby Ann Smith is opposed, does not wish to speak to the Council. Bonnie Guillet, Guillet, opposed, does not wish to speak to the Council. Rosalia Romano opposed, does not wish to speak to the Council. Mit Pendergraft, opposed to the agenda item, does not wish to speak to the Council. Carmen Garcia opposed, does not wish to speak to the Council. Roberta Woodleaf opposed, does not wish to speak to the Council. Cecelia Bergum, and I apologize if I mispronounce your name, opposed, does not wish to speak to the Council. Shanon O'Rega opposed, does not wish to speak to the Council. Marie Hackett, opposed, do not wish to speak to the Council. JoAnne Morand opposed, does not wish to speak to the Council. Anna Dillard opposed, does not wish to speak to the Council, and Mary Lou Geary, opposed, does not wish to speak to the Council. Okay. That's it for the speaker cards. We're going to move to the Council discussion, and I'm going to invoke my privilege to speak first tonight, which I tend to do when it's very important. First off, Mr. Vogelsang, it was explained on public, or social media, that there's...your production company has filed for bankruptcy, and two of the creditors are not paid, City of Jacksonville and Jacksonville Fire Department. Have those been repaid in full?"

Mr. Vogelsang: "I spoke to the Ethics Commission on the issue. There's no issues. Creditors aren't attached to any conflict. That's an opinion that I have from the Ethics Commission."

Mayor Latham: "Okay. So you intend to vote on the issue?"

Mr. Vogelsang: "Yes."

Mayor Latham: "Okay. In 1968, a Consolidated Agreement was signed between the City of Jacksonville, Jacksonville Beach, Atlantic Beach, Neptune Beach, and Baldwin. It was agreed that each of the municipalities would become incorporated cities and the City of Jacksonville would act as our county. In 1994, each of the cities negotiated new Interlocal Agreements with Duval County. Since each of the cities negotiated their respective Agreements independently, they were tailored for their individual city. Jacksonville Beach retained our Fire Department. Atlantic Beach and Neptune Beach did not. Jacksonville Beach as a part of our Interlocal Agreement, negotiated a waiver of all solid waste tipping fees at Jacksonville's Trail Ridge Landfill in perpetuity, and I'll address this more a little bit later. During one our Council meetings, Ms.

Dumont stated this is an HR issue. I couldn't agree more. There are some Jax Beach Fire Department members who have decided they would rather work for the City of Jacksonville. Some claim it's provide to, I'm sorry, some claim it is to provide more opportunity for advancement. Some say they'll receive higher wages. More say they'll be working too...they are working too much overtime and would like to spend more time with their family. I'd like to address these issues one at a time. Opportunities for advancement. Nothing has changed since the Fire Department employee staff joined our team. Promotions are more readily available and positions are available. In other words, large departments have supervisors and hence, more opportunity for advancement through turnover. This is a fact, and it's true now just as it was when each member of our Fire Department joined the team. Higher wages. The City of Jacksonville Beach has compared our current wages to neighboring cities of similar demographics, including St. Augustine and Fernandina Beach, and found our wages to be comparable to these cities. In some cases, a little bit more. In some cases, a little bit less, but pretty close to average. Over time, again this is one of the factors you accept when you join a smaller department over a larger department. Several members and their family have passionately stated how hard it is on their family to be on duty for 72 hours, but there are hundreds, if not thousands of armed forces, active duty, and veterans in Jacksonville Beach who regularly spend or did spend eight to ten months at sea away from their families. They work seven days a week, 18 to 22 hours a day. They can't invite their families to work for dinner because they're thousands of miles away from home, often in hostile or dangerous territory. Speaking for myself, when I was an Ensign in 1982, I made \$29.70 a day while spending ten months at sea, and back then we had a saying, choose your rate, choose your fate. What that means is if you want to go home every night, don't join the military. If you want to make more money, find a job that pays more money. When I began to consider this merger, the very first question I asked myself was what problem are we trying to solve. I'm still asking that question today. Much has been discussed about the money that Jacksonville Beach will save. A savings of \$15 million over 10 years has been estimated. First off is, it's been mentioned several times tonight, we'll be a debt free city in November of next year. So we're not hurting for money. Secondly, should this Agreement be approved by our Council, and subsequently by the Jacksonville Council, we will be the only city in Duval County to have merged with JFRD that does not pay landfill fees. There is no doubt in my mind Jacksonville's gonna come back for those landfill fees, and right now it's about \$800 a year based on our current volume, \$800,000 a year based on our current volume. Also, I expect that City of Jacksonville will also experience additional pressure to collect additional revenue from us when our colleagues in Atlantic Beach, Neptune Beach, and Baldwin approach Jacksonville asking for similar savings. We are a beautiful, thriving beach community. We've done well since that 1994 Interlocal Agreement. We've basically rebuilt this city since then. We now have a very bright future. We're a strong and independent city that acts more like a family than a staff. After Hurricane Matthew and Irma, I was proud to be part of that family as we rode into the city after both storms had passed knowing that our first responders were well equipped and ready for any contingency that..as we were preparing to reopen the city. I was filled with confidence knowing that our team would work together to get people back in their homes as quickly as possible. Should this merger be approved, in future storms, the vital service, our fire department, will be controlled by the City of Jacksonville, not Jacksonville Beach. The importance of this can be readily seen when comparing damages left by Irma and Matthew. During Matthew, the damage came mainly from the ocean waters and winds. Our dunes were breached and our city was battered by the ocean. During Irma, the damage came mainly from the wind and rain, and most of Duval County received significant flooding. Jacksonville actually got it worse than we did. Had our fire stations been staffed by JFRD instead of our own Department, I'm certain that many of our assets would have been

deployed across the ditch, and it would have taken a lot longer to get everyone home. [iPhone Siri voice: 'I'm not sure I understand.' (*Audience laughter*)] That's a nice comedy break there, huh. If we approve...if we approve this merger, we're taking the first step in dismantling our...alright guys...If we approve this merger, we're taking the first step in dismantling our city. If the money...if saving money is our primary concern, then perhaps we should consider merging the Police Department with the Sheriff's Office, Beaches Energy with JEA, our City employees with the Jacksonville employees. We can dismantle our Charter, sell our buildings, and become Eastern Jacksonville and save everybody a bunch of money. So I return back to the basic question. What problem are we trying to solve? To me, this merger is a major overreaction to an overstated problem from a few disgruntled employees of the Jacksonville Beach Department. This group would have us conduct a major reconstruction of our infrastructure to solve an HR problem. Speaking for myself, and only myself, you knew what you were getting into when you signed on to the team. Things haven't changed. If things were...changed for you personally and you'd rather work for the JFRD, then I personally, wholeheartedly support your decision and encourage you to fill out an application to transfer to JFRD, but we don't need to surrender our entire Fire Department for a few disgruntled employees. In my hand, right here is the organizational structure of the City of Jacksonville Beach. If you'd like to view a copy, the Clerk has it, and it's also page 10 for our City Council members. The highest position on this chart is not the City Council. It's not the Mayor. It's the citizens of Jacksonville Beach. They've spoken loudly. They've spoken clearly. They do not want this merger to take place. Much, if not most, of the support for this merger, has come from the Jacksonville Beach Fire Department, the JFRD, their families and friends. Those opposing this merger are primarily our citizens, our bosses. We received a summary of citizens' correspondence about this issue today from the City Manager's office. It shows that 270 respondents from Jacksonville Beach, 226 of them or 84 percent, oppose this merger. I will be permanently retiring from public service in November of next year, 538 days, but I'm not counting. I know that some of you on the Council intend to run for additional office. I submit to you that our citizens have spoken loud and clear. They oppose this merger. I also submit to you, the citizens will not forget how you vote this evening, and if they do, your future opponents will remind them. One last point. If Jacksonville would like to cut our millage rate so that we can pay them 105 mil...or \$1.5 million less in taxes, I'm sure that we'd be happy to accept that option and apply the additional funding to our Fire Department as needed. With that being said, I will be voting to reject the merger with the Jacksonville Fire Department. Okay. Any other comments from the floor? Ms. Hoffman."

Ms. Hoffman: "I have a collection of thoughts so I apologize if I jump around a little but, somebody mentioned please give this a lot of thought before you take your vote and I can assure you, I can only speak for myself, that I've thought of little else over the past few months. I personally did not wait for people to contact me to tell me how they thought or give me their opinions. I sought people out. I sought people out that were experts in the field. I sought people out that I knew were following the issue, but that didn't necessarily have a dog in their...in the fight. I have become reacquainted with friends from high school who have gone into fire service, which has been a great side effect. So all that being said, you know, to the question of 'what problem are we trying to solve, we're not in financial dire straits, etcetera.' Why would we wait till we have a problem to solve and why would we wait until we are in dire financial straits. That implies that we're being reactive versus proactive, and one of the most impactful comments I heard from someone who was in public service in another city...or public safety in another city, is that the nature of public safety is changing. It's becoming more technical. The dangers and challenges facing our police and fire are different then they were 20 years ago. Certainly different than when,

one person used the example of the Murray Hall Hotel, which burned down in the late 1800s, and...and the formation of the...of our current Fire Department started as a result. We're not talking about bucket brigades anymore. We need to be ready for the now and future of public safety with the best possible training resources. I also see a tremendous benefit to the consolidation and unified command that we would see under a major emergency facing our County. We are currently the only fire department that is not consolidated with Duval County. I spoke with key officials in Neptune Beach and Atlantic Beach, and not only were they positive, but they were overwhelmingly positive about their relationship with their fire department, and not just on the hard public safety services, but on some of the soft things that we talked about such as Career Day at Neptune Beach Elementary and coming out to the evening events where kids can come and learn about public safety. I also spoke with the Special Events Department in Jacksonville. That was big concern among our City staff. I went on a site visit to Rockville. If you haven't been, I don't know if I encourage it. It's not my cup of tea as far as music, but to see the structure and the EOC that they had set up there and they have a specific department within the Jacksonville Fire Department that handles special events. They know what they're doing. They know how to evacuate tens of thousands of people from Metro Park when the lightning comes up like it did, and it was extremely, extremely impressive, and I do believe our special events would benefit. There's been some talk about where the issue came from and why are we even talking about it, and who brought it up, and that's an interesting conversation, but the point is it's here now, and its incumbent on us to make this decision for our community. And last of all, I hear a lot about community identity and how important it is for a community to have its own fire department, and to have our name on the side of that fire truck. If we don't, whether we have a fire department or not, if that's what's crucial in identifying us as a community, then that's an identity problem, not a public safety problem, and I do completely agree that we need to deal with that, but I think at the same time, we need to do the best, make the best possible decision that we can make for our community. And please notice that I have not mentioned money at one point during this, my comments here. I will be voting to support the contracting of our fire department."

Mayor Latham: "Thank you, ma'am. Ms. Dumont?"

Ms. Dumont: "Thank you. The...why we are talking about this issue is actually kind of an important piece, and it's because the firefighters have issues with past administrations, and management and leadership in the City, and that's really critical because we have a whole new City, and if we keep the Fire Department, you also get a new Chief. So I just want to start off with the issue wasn't financial. It's not structural, and it's not our quality of service. We have excellent quality of service from our Fire Department. It was an HR issue, and that's important because we can fix HR issues. We are an excellent city. We are a strong city. We are a fabulous community, and especially with our new leadership in place, we can fix this. So it's nowhere outside of the structural bounds. What we are looking at here with this contract is what I would consider the nuclear option. Once it's gone, it's not coming back. That's really critical. Once it is gone, it's not coming back. It will be too expensive to bring it back in house. So we are starting with an end option instead of starting with some of the things that we can easily fix within house. I also want to note that if we do contract, we are not contracting with JFRD. JFRD is a fine organization with wonderful people in there. I know a lot of individuals in JFRD. I would...I'd trust my life with them. However, what we are doing is we are contracting with the City of Jacksonville. That is critical. We are contracting with that entity for a service that they provide. Any issues that we have, we have to go through the administration. We have to go through an administration that changes every two to four years and loses its institutional knowledge, never mind all of the political

games that can be played and have been played, and anybody who's paid attention to the politics within the County, you know about it well. And that is...if we go into this contract, that is something that we will now have to deal with. That is something that we decided in 1968 that we did not want to deal with. I was on the Task Force for Consolidated Government a couple years ago for the City of Jacksonville that was put in place by Representative Gulliford. It was Chaired by Lori...Lori Boyer. We had on the road Task Force meetings to listen to the concerns of the people who lived in the County, and I will say that the people in Jax Beach were very happy with the serv..the Beaches cities. We were the most attended meeting, and we were the ones that had the happiest people. We liked our services. The ones that we had some issues with were the City of Jacksonville. If you look at what the City of Jacksonville provides, they provide the minimal level of service and the cities out here provide a little bit more. We have grown accustomed to that little bit more. We pay more per square foot for our houses for that little bit more 'cause we have an expectation of services and a quality of life that's not that same on the other side of the ditch. There is apathy on the other side of the ditch. There were meetings that nobody showed up, and when we had meetings where people did show up, they didn't have the best things to say, and this is not in regard to just fire and police. This is regar...this is with regard to just the City...the...the City of Jacksonville or the County. Again, this contract is not with JFRD. This contract is with the City of Jacksonville and that administration. This contract has been negotiated with two key individuals within the City of Jacksonville, both of whom will be gone by the end of June. Both are gone by the end of June. Mr. Mousa and the current police, and the current Fire Chief are...have both announced their retirement. Look around this room. Is there a person here from the City of Jacksonville representing the administration? That is representative of how much we mean to the City of Jacksonville. This is a contract. They would be our vendor. When have we had to go into a ven..a contract this large where a vendor has not shown up for a single meeting or workshop? And I understand that Mr. Staffopoulos said that Mr. Mousa noted that he doesn't want the fire...the fire department to have to justify their tactics. I'm not asking for the fire department to show up. I am asking for the administration to show up. This contract is with the administration. They should be here telling us how they are going to implement and follow through on this. And again, there is nobody here. Four to eight years, every four to eight years we'd have to go through a new administration institutional...the loss of institutional knowledge and that really is...that...that's critical. I can't note that enough. Think about Jacksonville as our vendor, and think about Jacksonville's track record being our vendor. We...they have not had a good track record, and this is who we'd be going into a 20 plus year contract with. When you look at...when you look at government contracting; this is kind of an area I know a lot about, when you look at government contracting, there are key things you want to look at. First is, is the quality of service going to be better, and the quality of service just on, by contract, there would be some things that would be missing, but we'd fill in with other departments in the City. And so the quality could be there, but money should never be the first issue. And I appreciate Ms. Hoffman not focusing on the money. That shouldn't be the first issue. The second piece with contracting, and this is the critical piece, is you have to have competition. The reason why you have contracting in government is that when government is going to devolve itself of providing a service, competition between two entities reduces costs and increases quality. That is the markets working, and that would be the markets working in the public sector. And when markets are able to work, they work well. However, there is one contractor that could provide this service, and that is the City of Jacksonville. If they default, if they go wrong on this, we have nowhere else to turn to other than trying to bring it back in house, which again, ends up being extremely cost prohibitive. Changes in leadership? I touched on that stuff. Page 15 in Jacksonville's written responses, they didn't have some responses, page 15 in Jacksonville's written responses here. Think about hurricanes.

We had two...one year back to...one in one year, another year...another in the other year. Number 6. we asked the City of Jacksonville, 'What would JFRD personnel do to support Jacksonville Beach in the event of a natural disaster (pre and post)?' The City of Jacksonville's response is, 'Jax Beach would receive the same level of service the rest of the county receives based on needs.' Same level of service the rest of the County gets. And that really is important because I don't blame Jacksonville for that because it cannot have a different set of criteria for one station out here, two stations out here, versus all of the other ones. It's not fair to the employees for evaluation or anything else. So I would expect them to run these two houses just like the rest of the County, but is that a level that we would be happy with? I wou...I personally would not be happy with that level of service. The...this really is a contract with, at its heart, it's a contract with the City of Jacksonville. If you are comfortable with entering a 20 plus year contract with the City of Jacksonville, given their track record in dealing with the cities, and knowing that our contract would be about \$2.2 million per year, increasing 2.5 percent each year. Their budget for their fire department is \$212 million and change. How much attention do you think our \$2.2 million is going to get in a budget that size? I do not support this contract. I'm not saying that at...in the future this might not be something that we'd have to look at, but these are problems that are fixable. We can fix them now. We can fix them in house. We have new leadership. We have new management. We can fix it now, and I wouldn't start with the nuclear option. I say we fix our Fire Department. We hire more Fire personnel. We may want to up the timeline for our Capital Improvement plans. So this way, they get what they need. But starting with the nuclear option is not the right option to me. Thank you."

Mayor Latham: "Thank you, ma'am. Mr. Doherty?"

Mr. Doherty: "I'll keep it short. I mean, I think more or less everybody in this room already has their mind made up. So I'm not going to try and convince anybody with, you know, sensationalism. I'm just gonna say how I feel about this. Everybody's saying that we can fix our Fire Department to bring it on par with...with Jacksonville or bring it on par with what we want. I refuse to raise people's taxes for something that can be done by a reputable department. Who...is there any here, in case people haven't noticed, if you've had a ride in an ambulance, it says Jacksonville on it. It doesn't say Jacksonville Beach. So, and another thing is that people keep misinterpreting is that we're getting rid of all of our firefighters. Our firefighters will be the same firefighters that you see every day. They get first right of refusal. So, you know, this sensationalism about well we started with the Fire Department, what's next? I haven't heard anybody up here talking about the Police Department or Public Works or Parks and Rec, because you know why? They're working. They're working well. They work well for us. The Fire Department has been an issue since before any of us were on this dais. I've talked to people who said it's been an issue for over 20 years, and you know what? We haven't fixed it. The staff of the Fire Department haven't fixed it. The staff in the City hasn't fixed it, and the City Council have not fixed it. This is why, you know, this is not a knee jerk reaction. This is something that I've been thinking about for years. I have a young family here. I own a house here in Jax Beach. I want the safest, best option for them, and I can see that with Jacksonville. If we have people call in sick or on leave at Jax Beach, the Department's running short. Plain and simple. There's no backup. So if our firefighters are injured, what are we gonna do? We can't, we can't just pull them out of thin air. Jacksonville is a massive...Jacksonville Fire Rescue Department is a massive organization who will, who will protect our citizens and do a great job. That's, and for people think it's all or nothing, that's...that's just wrong. We're gonna get a good service and, yeah, I'll bring up money. It's gonna save you tax dollars, but if we want to reinvent the wheel, and start

from ground zero again with our Department, it's gonna cost a fortune, and I just can't do it. I can't raise your taxes when we don't need to. So that's why I'll be voting for this."

Mayor Latham: "Thank you, sir. Ms. Golding?"

Ms. Golding: "I'm not gonna say a whole lot of what's already been said other than I too have talked to a lot of people. I've talked to Jax Beach Fire people. I've talked to JFRD people. I've talked to citizens, and truly this is not an issue about money, and I feel the same concerns that Ms. Dumont has with getting support from the City of Jacksonville because, in our Interlocal Agreement, the City of Jacksonville is supposed to be providing us with Animal Control. And can someone tell me where that Animal Control is? We don't have Animal Control from the City of Jacksonville. The only thing they do is come and pick up the animals after they've been held in our shelter and...and then they take them downtown, but they don't provide us the service that they are contractually supposed to be providing us through the Interlocal Agreement. I don't feel that this...that we have pursued all the options and particularly because we do have a new City Manager. We have an opportunity to have a new fire chief. My feeling is that we need to address the issues ourselves before we go to the option of contracting with the City of Jacksonville. We are currently getting a great service from our Fire Department. So it's not...it's not an issue of hey, you know, we need to fix that. We need...we can do, like Mr. Sorrell said, you know, yeah, why don't we take the two years and see if we can make some changes to the Fire Department and, we have a lot of great departments here at the City of Jacksonville Beach and people do move here for the services that we have here. So...and I agree that if we make this decision tonight to contract with Jacksonville, we can't afford to go back if we realize this is not the decision we should have made. And I would support adding personnel to our Department. Whatever we need to do to address the issues, but I think we need to address the internally. I don't think we need to be contracting out to the City of Jacksonville to...in hopes that...that we can get as good a service as what we currently get. I urge my City Council members if...if you haven't made your mind up to please give our new City Manager an opportunity to address this issue and give a new fire chief an opportunity to address this issue. I don't believe that we need to make this decision to transfer to Jackson...transfer our Fire Department to Jacksonville at this time, and I will not be supporting it. Thank you."

Mayor Latham: "Thank you, ma'am. Mr. Vogelsang?"

Mr. Vogelsang: "I won't rehash too much, but the particular issue that is important to me outside of the financial aspects is the quality of life for our Department. And everybody talking about the home town feel, the quality of life for our Fire Department and operating at a small number wears on these individuals. And it's not the amount of money that we would need to spend to bring our Department up to where...right now they have one leave slot per shift. That is what they're operating on. If an individual is out on injury on duty, pregnancy, whatever that may be, that leave slot's filled. So now mandatory overtime for our Department. So the significance of the cost of adding that many more firefighters to our Department to add leave slots, to have them have a quality of life, I think is...would require a tax increase a million..a minimum... \$1.5 million. And back in two thou...and this was an issue and has been an issue, and I think Keith eluded to it, but I will go ahead and I'll read an answer that I had to 2012 Beaches Watch candidate questions. We filled this out prior...I filled it out prior to being endorsed by anybody back in 2012 when I ran for office. And the question that was which provisions of the Interlocal Agreement would you support changing. And my response to that was, 'I would consider changing the Interlocal Agreement

dealing with our Fire Department. We have spent millions of dollars maintaining our own fire department. If we consolidated, it would save the City at least half a million dollars. It would also give us more resources to make Jacksonville Beach a safer place while providing tremendous cost savings.' So this has been an issue on my mind since I ran for office in 2012. The safety for our firefighters. The safety for our community. The added resources. The issue I think is...is up for discussion, and this is in my discussions with countless numbers of individuals, whether it be Atlantic Beach, Neptune Beach, Jacksonville, is the concern of response times. I think what is up for discussion for us is whether or not we pay for the third apparatus with Jacksonville. For me personally, I think we operate right now, two man crews for three trucks. Jacksonville has offered to do three trucks for an increased price. I think that's the discussion that I'm willing to have. If anybody else wants to chime in, but that way, we're covering our bases. The other option which was discussed by Keith is do it as proposed, and then we can add the third one at any other time, which I'll lean on my colleagues for discussion, but the idea is...the resources that will be available to us, the quality of life of our Fire Department is...is what's extremely important, and the safety of our residents is what's important. So that's why I do support this merger outside of the cost savings. And I think another issue that hasn't been touched on, but I'll look into is our pension fund. The firefighters' pension fund that we have is the worst-funded in the City. It's funded at 79 percent right now. When we were first ele...it was 90 percent funded in 2014. It's now 79 percent funded. That debt is paid off. All these costs are factored in. The debt...pension debt is paid off in all of these costs. Its \$750,000 contribution is paid off within ten years. So we just...have been carrying that debt. We carry that pension debt every year. It doesn't go into the books. We carry that debt. This now takes that pension debt and pays it off, and we're factoring that cost in the price that has been put out there for everybody to see, which I think is important. I will be supporting this tonight. Thank you."

Mayor Latham: "Mr. Nichols?"

Mr. Nichols: "Thank you, Mr. Mayor. I'll keep this short. You're correct. This is an HR issue. This has been a ten year plus HR issue with the City that this City has not fixed. Our firefighters have suffered. They are...it is...it is a public safety issue. For them, their safety...we do not man our apparatus correctly. We under man them. They get there and, as the first speaker tonight said, I mean, if something goes wrong, we've got a major problem. I'm very disheartened with...with the contention that this is the beginning of a dismantling of our city. I think that is just...that's inappropriate. I don't see that happening. We have a great...we have a great police department. Everything else is functioning well, except we've had this ongoing problem with the Fire Department. You know I'm a big supporter of our first responders and, you know, we've been...they've been undermanned and understaffed for...for too long. I know we had a long list of, you know, what you brought up with the...with the cards that were...that were given, but obviously a lot of people went around and selectively got people to side on one side of this or the other. UNF, they...they did a random poll recently, and majority of the people that were polled were for this merger, and you know, I'm doing it what's in...I want to do what's best for the community. The money it's...that's not an issue like most people have said. We want to do what's right for the public safety and what's right for this community. With that said, I'll be voting in favor of this."

Mayor Latham: "Ms. Dumont?"

Ms. Dumont: “Just for clarity’s sake, I did...just one...I had nothing to do with the poll. It was done in my department, and anybody knows Dr. Binder...nobody tells Dr. Binder what to do. I did know he was going to do it, but I had...did not ask him to do it or anything else. Now that said, the...the...it was not a random poll. It was done by email, by emails that people put on their voter registration card with the most updated voter registration list the lab does have. So it was not a random sampling. Moreover, the...there was...there was a vast majority of people who wanted it to go to referendum versus not. When you look at those who were in favor or opposed to the contracting out, it was within the margin of error, which means that you can’t say one way or another. So, yeah, the number was higher on those who support versus those who oppose, but there was a lot of them who just didn’t know about the issue. But again, it was within the margin of error meaning that it...it’s kind of tied. It doesn’t really know. So that’s just the statistics part of that. Okay. The...I want to reiterate one more time this is not a contract with the fire department. This is a contract with the City of Jacksonville Beach, and I know how this vote is going to be going down. So you’ve all already noted it. Again, this is something I am very much in opposition to, and it’s not JFRD. JFRD is a fine group of individuals. The City of Jacksonville is who our vendor would be, and they just have a horrible track record when it comes to fulfilling their end of any of the contracts that we have had with them in the past.”

Mayor Latham: “Ms. Golding.”

Ms. Golding: “I would just add to what Ms. Dumont said about the...about the poll and that the sample size was 343 people, which I don’t think is a very good representation of our community.”

Mayor Latham: “Mr. Doherty.”

Mr. Doherty: “I’m gonna add can we just ignore the poll since numbers don’t mean anything and they’re opinions.”

Mayor Latham: “Mr. Nichols.”

Mr. Nichols: “Back to the other percentages that was spoken to earlier. The poll that UNF did was a much more scientific poll than what we’ve gotten with the comment cards and other emails.”

Mayor Latham: “That wasn’t a poll. That was just the people that had responded to us. Okay? Any other comments or questions from the Council? Seeing none, roll call please.”

Ms. Dumont: “Can you clar...can you just state the motion again?”

City Clerk: “Okay.”

Ms. Hoffman: “Would you like me to?”

City Clerk: “I don’t think you stated the motion, did you?”

Ms. Hoffman: “I did.”

City Clerk: “Do you want to restate it?”

Ms. Hoffman: "I certainly can.

Restated Motion: To authorize the Mayor and City Manager to execute the Interlocal Agreement between the City of Jacksonville Beach and the City of Jacksonville for Advanced Life Support and Fire Services."

Mr. Vogelsang: "Second."

Ms. Hoffman: "We're just restating it."

Mayor Latham: "I'd like to be recognized for a motion."

Ms. Hoffman: "Mayor Latham?"

Mayor Latham: "I'd like to modify the motion.

Modified Motion: To postpone this for a public referendum vote to be on the next election cycle."

Ms. Dumont: "Second."

[*audience applause*]

Mayor Latham: "Please, please don't do that."

Ms. Dumont: "Second."

Ms. Hoffman: "Is there...are there any comment on the amendment to make this a referendum? Mr. Nichols?"

Mr. Nichols: "I think this is a very, very complex issue and from...there is a wide variety of misconceptions and information that is not accurate. Maybe on both sides. I think it would be next to impossible to get a referendum written on a ballot that will...will concisely describe what we're doing and I don't think that we can get a...I don't think we can get a fair vote, and I think that we were...we were all elected in order to be able to make these tough decisions."

Ms. Hoffman: "If we could keep the chatter down while we're discussing this very important City issue, I'd really appreciate it. Ms. Dumont?"

Ms. Dumont: "Thank you. I support putting it to referendum because as it looks...how it'd be up here, it would be a 4-3 vote, and that is way too close of a margin to make a decision that is this critical for the future of our city. And I also don't agree that the voters of Jacksonville Beach...it's too much for them? I don't agree with that. They would, just like with the height referendum and everything else, there will be groups of individuals and nonprofits that form to educate the citizenry as best as they each possibly can. And it would be up...up to each individual voter to then make the best possible decision he or she can with the information that he or she is given, and their own personal preference. So I would support the voter referendum."

Ms. Hoffman: “Ms. Golding?”

Ms. Golding: “I would just say that we need give our citizens a little more credit and certainly they are taxpayers, and we should give the taxpayers the opportunity to tell us what they would like us to do with their dollars.”

Mayor Latham: “Yeah, I just want to reiterate as well that earlier I held up the organizational chart for the City of Jacksonville Beach and our bosses are out in the audience right now, and our bosses live in all the houses and streets, and it makes only sense that we provide them the opportunity to make the decision at this point on how we move forward. I think Ms. Dumont said it the best. This is just way too close to make this decision here tonight. We ought to put it back to the voters.”

Mr. Nichols: “I think you...I forgot what I was going to say. Hold on. A lot going on here, but I’m a little also disheartened that if you want it done as a referendum, Mr. Mayor, I think you should have brought it up at the beginning not after you already knew what the votes were going to be for this issue.”

Ms. Hoffman: “Any other discussion on the amendment to put the issue at hand to the referendum of the voters? Roll call.”

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

Ms. Hoffman: “Motion fails. The original motion on the floor is to execute or...”

Motion: Authorize the Mayor and City Manager to execute the Interlocal Agreement between the City of Jacksonville Beach and the City of Jacksonville for Advanced Life Support and Fire Services.

Are there any other comments on this issue? Roll call vote.”

Roll Call Vote: Ayes – Hoffman, Nichols, Vogelsang, Doherty
Nays –Golding, Dumont, Mayor Latham
The motion passed 4-3

Mayor Latham: “This meeting’s adjourned. Have a good night, people.”

RESOLUTIONS:

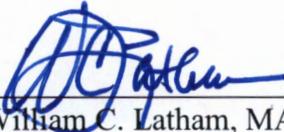
ORDINANCES:

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:22 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: 6/03/19

LS/sg