



**Minutes of Regular City Council Meeting
held Monday, August 5, 2019, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**

OPENING CEREMONIES:

Mayor Latham requested everyone to stand and observe a moment of silence in honor of Jacksonville Beach Police Corporal Andrew Lavender, who passed away on August 3, 2019, 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 (<i>Absent</i>)	Georgette Dumont	Sandy Golding
	Christine Hoffman	Cory Nichols	Phil Vogelsang

Also present were City Manager Mike Staffopoulos and Acting City Attorney Denise May.

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 July 15, 2019

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

- Regular Council Meeting held on July 15, 2019.

Council Member Golding requested the minutes be amended to add the name of her neighbor, Toni Van Orman, whom she referenced under Ex-Parte [Item #19-116 – Ordinance No. 2019-8122] to the record.

Amended Motion: It was moved by Ms. Golding, seconded by Ms. Hoffman, and passed unanimously, to approve the minutes as amended.

ANNOUNCEMENTS:

Council Member Hoffman announced the 4th Annual Beaches Health Jam would be held on Friday, August 9, 2019, at the Carver Center.

Ms. Golding announced Beaches Watch was hosting a monthly meeting on Wednesday, August 7, 2019, at the Beaches Branch Library. There would be a police panel with someone from each beach city police department to discuss public safety in the community.

COURTESY OF THE FLOOR TO VISITORS:

- Julie Malmstrom, 2042 2nd Street South, Jacksonville Beach, stated she previously spoke about placing a stop sign at the intersection at 19th Avenue South and 2nd Street South approximately three years ago. Ms. Malmstrom would like the intersection re-evaluated.

- Lori Anderson, Executive Director at Mission House, 800 Shetter Avenue, Jacksonville Beach, spoke about the services they provide to the homeless population [handout provided on file].
- Casey Jones, 125 11th Street, Atlantic Beach, spoke about dead sea turtles found in a pool and on the street, and improper lighting [photos provided on file].
- Liz Dallas, 14823 Plumosa Drive, Jacksonville Beach, and Liz Lassiter, with the GFWC Jacksonville Beaches Woman's Club, spoke about a domestic violence awareness and prevention project they have, and requested authorization to tie purple ribbons around palm trees on Beach Boulevard between 2nd and 3rd Street, and around City Hall in October.
- Donni Welch-Rawls, 403 12th Avenue South, Jacksonville Beach, spoke about damage to her property resulting from the City's drainage project.
- George Sherwood, 734 2nd Street North, Jacksonville Beach, spoke about problems with vehicles speeding on 2nd Street North between 9th Avenue North and 6th Avenue North.
- Savannah Taylor, 360 13th Avenue North, Jacksonville Beach, spoke about the death of Bryn Turner on July 11, 2019, on 2nd Street North.
- Ron Taylor, 360 13th Avenue North, Jacksonville Beach, spoke about the death of Bryn Turner.
- Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach, spoke about a few general matters related to the future direction of the city.
- Sarah Bryan, 403 12th Avenue South, Jacksonville Beach, spoke about different topics related to variance approvals, issues with contractors, and recognized Public Works Project Coordinator Jim Vernon for his assistance.
- Mitch Kinsey, 2007 Eastern Drive, Jacksonville Beach, spoke about traffic issues and requested speed bumps or stop signs for the area.
- Alex Evans, 2015 Eastern Drive, Jacksonville Beach, spoke about traffic issues and requested a 3-way stop sign or speed bumps in the area.

MAYOR AND CITY COUNCIL:

CITY CLERK:

CITY MANAGER:

Item #19-121 – Approve the Appointment of a Trustee to the Police Officers' Pension Board of Trustees

Mayor Latham opened the floor for nominations for a Trustee to the Police Officers' Pension Board.

Motion: It was moved by Ms. Golding, seconded by Ms. Hoffman, to nominate John Gosztyla for appointment as Trustee to the Police Officers' Pension Board.

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

Item #19-122 – Recognize Ocean Rescue Lifeguards Maxwell Ervanian and Kenneth Bonn [not present] for their Heroic Actions

Mayor Latham presented a plaque to Maxwell Ervanian for the rescue of a man drowning in the ocean on July 5, 2019, 250 yards beyond the end of the pier.

Item #19-123 – Award RFP No. 07-1819 for Groundskeeping Materials to Seven (7) Vendors

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to award RFP No. 07-1819 for groundskeeping material to seven (7) vendors.

Golf Course Superintendent Trevor Hughes explained they are seeking to award a non-exclusive contract to Bulloch, Golf Ventures, Harrell's, Helena Agri Enterprises, Howard Fertilizer, Residex Target, and SiteOne Landscape, stating it is difficult to forecast the needs of the Golf Course, and they do not have enough warehouse space to store all the items. Mr. Hughes is also seeking permission to go over the \$25,000 threshold for purchases.

Council Member Golding asked whether the listed prices on the Summary Pricing Sheet are before or after the discount. Mr. Hughes responded the prices shown are after the discount.

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

Item #19-124 – Approve the Findings of Fact, Ordinance No. 2014-8058, Establishing a Redevelopment District: RD Zoning District within the City (Surfer the Bar)

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve Findings of Fact for RD Ordinance No. 2014-8058, dated July 16, 2019.

Mr. Staffopoulos stated there were three items at the last Council meeting requiring Findings of Fact not presented at the time due to the potential for variability in the findings by the Council. This item is related to the lawsuit from Surfer the Bar and the settlement. Mr. Mann answered a question related to a minor scrivener's effort in the Findings of Fact. Mayor Latham elected to move forward with the motion noting the scrivener's error.

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

Item #19-125 – Approve the Findings of Fact, Ordinance No. 2019-8120, Establishing a Redevelopment District: RD Zoning District within the City (Springhill Suites by Marriott)

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve Findings of Fact for RD Ordinance No. 2019-8120, dated July 16, 2019.

Mr. Staffopoulos stated this is the Findings of Fact associated with the zoning changes for the Springhill Suites proposed to be built downtown. In response to a question from Ms. Golding, Mr.

Mann clarified the 35-foot building height listed under the permitted uses listed in the Findings of Fact are a restating of the existing standards found in Section 34-347, and in this case, the property has vested building height interest to 56 feet. Mr. Mann stated the actual Findings of Fact for this application is found on the last page.

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

Item #19-126 – Approve the Findings of Fact, Ordinance No. 2019-8121, Establishing a Planned Unit Development: PUD Zoning District within the City (Pablo Hamlet)

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve Findings of Fact for PUD Ordinance No. 2019-8121, dated July 16, 2019.

Mr. Staffopoulos stated this Findings of Fact is associated with the proposed expansion of Pablo Hamlet.

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

Mayor Latham announced he would be moving Ordinance No. 2019-8118 on short term rentals [Item #19-135] to be the first ordinance heard tonight.

Item #19-127 – Approve the Dedication to the City and Acceptance for Maintenance of the Public Infrastructure Improvements for Summer Court

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve the dedication to the City and acceptance for maintenance of the public infrastructure improvements (potable water, sanitary sewer, stormwater, and roadway and underground electrical improvements) constructed by the developer, Sedoma Investors, LLC.

Mr. Staffopoulos stated this is a plat dedication of the new right-of-way and infrastructure being accepted by the City. City Engineer Marty Martirone explained this is for a six-unit residential area located off of Ponte Vedra Boulevard, north of Mills Lane.

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

Item #19-128 – Approve the Purchase of a Replacement Street Sweeper

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve the purchase of one (1) Elgin Crosswind Street Sweeper from Environmental Products Group, Inc., utilizing the Florida Sheriff's Contract and approve early purchase order release (August 2019) to lock in the current price and reduce unit delivery time.

Mr. Staffopoulos stated this replacement street sweeper was shown to the Council at the Budget Showcase on August 2, 2019. If an early purchase order is issued at this time, the City can benefit from discount pricing before the end of the year.

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

Item #19-129 – Approve a Change Order to Bid No. 1718-23 for Fiber Installation Transmission Line 805

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve a change order for Bid No. 1718-23 for the installation of fiber optic cable for the 805 transmission line between Beaches Energy Services' Sampson and Guana substations.

Beaches Energy Services Director Allen Putnam explained the Council previously approved funding for this project. However, in the middle of the project, a conflict came up with Florida East Coast (FEC) Railroad, which is common with these types of projects. At the time of the bid award, FEC wanted Beaches Energy Services to go from overhead to underground at a railway crossing at US-1. It required the entire project to be redesigned, and construction was halted. Crews from out of town had to return back to where they came from. FEC ultimately allowed the project to go back to overhead. Mr. Putnam stated they want to bring the crews back to complete the last ten spans of the project.

Ms. Golding asked if there was any recourse against Florida East Coast Railway since they are costing the City money. Mr. Putnam responded FEC is the final word on any railway crossing.

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

Item #19-130 – Approve Requesting State Appropriation for the Purchase and Installation of License Plate Readers for the Police Department

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, to approve requesting state appropriation for the purchase and installation of license plate readers for the Police Department.

Mr. Staffopoulos stated the Police Department requested license plate readers placed at nine discreet locations, a total of 27 cameras throughout the city. It would be a benefit to monitor vehicles coming in and out of Jacksonville Beach for crime prevention purposes and tracking vehicles that have "Be On the Look Out (BOLOs)" issued for them. It is an opportunity to work with local legislators to potentially get an appropriation from the State for the first year capital funds necessary to purchase and install the license plate reader cameras. One of the legislators has asked if the Council is on board with the fact that if the City pursues appropriation, and in the event we don't get 100 percent funding, would the Council be willing to make up the difference. Mr. Staffopoulos explained he is looking for formal ratification for staff to be able to lobby the legislature for this appropriation and see if the City can get some money toward these license plate readers. The first-year cost is estimated to be \$150,000, which includes the capital, installation,

and the first-year licensing agreement. After the first year, the annual cost drops to between \$20,000-\$25,000 per year for the licensing going forward.

Mr. Staffopoulos answered questions regarding the storage of the data and how the cameras cover the locations. Mayor Latham stated he and Mr. Staffopoulos had reached out to Senator Aaron Bean.

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

Item #19-131 – Consider Modifying a Submission to the Commission on Ethics

Mr. Staffopoulos explained City administration was contacted by an attorney for the City's insurance company inquiring about coverage for one of the Council members to defend them with regard to a complaint filed with the Commission on Ethics. Staff research found when this was brought to the Council on June 17, 2019, the topic of the item was to discuss whether or not there was a violation of the City Charter. During the discussion, there was a suggestion a complaint to the Commission on Ethics be filed to confirm whether or not there was a violation of the State Ethics legislation. The City did not know when a complaint is filed with the Commission on Ethics, the City insurance on elected officials kicks in. It gives the elected official who is the subject of such a claim the ability to use the attorney provided by the insurance company and to start to incur charges against the City's \$25,000 deductible. There was never a conversation with the Council about whether or not either the Council or Council Member Vogelsang were willing to incur financial costs for the legal defense of a formal complaint to the Commission on Ethics. Staff explored options, and Acting City Attorney Denise May reached out to the Commission on Ethics' attorney on call, who indicated there is an option of rescinding the formal complaint and submitting a request for a formal opinion. There is a process for rescinding which includes a statement of facts ratified by the Council as well as Council Member Vogelsang. Since finances were never discussed at the first meeting as an impact to either the City Council or Mr. Vogelsang, it was necessary to bring it before the Council and also to see what the Council thought about the alternative presented.

Mr. Staffopoulos explained if Mr. Vogelsang chose to use the insurance appointed attorney, and depending on the findings from the Commission on Ethics, the legal fees would either be placed on Mr. Vogelsang or absorbed by the City.

Mr. Staffopoulos stated the two options before the Council were proceed with the complaint to the Commission on Ethics and deal with the financial impacts at a later time based on the disposition or withdraw the formal complaint and request an opinion by the Commission on Ethics.

Ms. May stated the Council needs to decide to either proceed with the complaint or withdraw it. Ms. May explained the process to withdraw the complaint and what an opinion from the Commission on Ethics means with regard to the Council and the individual Council member.

Discussion ensued related to the two options and the possibility of either the taxpayers or Council Member Vogelsang having to pay for legal fees.

Motion: It was moved by Ms. Hoffman, seconded by Mr. Nichols, to withdraw the formal complaint.

Clarification was made that there were previously two issues before the Council at the June 17, 2019, Council meeting. The first was the issue of a possible violation of the City Charter. The second issue was whether there was a violation of the State Ethics legislation. Questions arose seeking information from the previous discussion at the June 17, 2019, City Council meeting. Ms. May again explained the process and timing to withdraw the formal complaint versus the requirements for requesting an opinion. Ms. Dumont inquired about possibly tabling the item so the City Attorney could provide more information related to the discussion on June 17, 2019. Mr. Nichols and Mr. Vogelsang stated they would not have agreed to the complaint had they known it would have the potential to cost the City or Mr. Vogelsang up to \$25,000.

Roll Call Vote: Ayes – Hoffman, Nichols
Nays – Dumont, Golding, Mayor Latham
Abstain - Vogelsang
The motion failed 3-2

Motion: It was moved by Ms. Golding, seconded by Ms. Dumont, to table the item.

Roll Call Vote: Ayes – Golding, Dumont, Mayor Latham
Nays – Hoffman, Nichols
Abstain - Vogelsang
The motion to table the item passed 3-2

RESOLUTIONS:

Item #19-132 – RESOLUTION NO. 2038-2019

Mayor Latham requested the City Clerk read Resolution No. 2038-2019 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, PROVIDING CONDITIONAL AUTHORIZATION TO COMMIT FINANCIALLY TO A SPECIFIED PORTION OF THE SOLAR ENERGY ACQUIRED BY THE FLORIDA MUNICIPAL POWER AGENCY IN THE EVENT FLORIDA MUNICIPAL POWER AGENCY ACQUIRES SUCH SOLAR ENERGY; PROVIDING CONDITIONAL AUTHORIZATION TO COMMIT TO BEING BOUND BY SECTION [X] OF RATE SCHEDULE B-1 OF THE ALL-REQUIREMENTS POWER SUPPLY CONTRACT; DESIGNATING AUTHORIZED OFFICERS; APPROVING AND TAKING CERTAIN OTHER ACTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Resolution No. 2038-2019 to authorize Beaches Energy to purchase five (5) Mega-watts (MW) via a Power Purchase Agreement (PPA) through the Florida Municipal Power Agency (FMPPA).

Mr. Putnam explained he requested to purchase 10 MW of solar energy in June 2019. Since then, negotiations found prices lower than expected, allowing the additional purchase of 5 MW for the same cost as the previously approved 10 MW [a total of 15 MW].

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

ORDINANCES:

Mayor Latham reminded the audience he changed the order the ordinances would be heard, with Item #19-135 related to short term rentals being heard first.

Item #19-135 – ORDINANCE NO. 2019-8118 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2019-8118 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 34. LAND DEVELOPMENT CODE; ARTICLE VIII. SITE DEVELOPMENT STANDARDS, DIVISION 2. SUPPLEMENTAL STANDARDS, CREATING A NEW SECTION 34-411 SHORT TERM VACATION RENTALS, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES; AMENDING CHAPTER 34. LAND DEVELOPMENT CODE, ARTICLE IV. DEFINITIONS, PROVIDING DEFINITIONS; AMENDING CHAPTER 34. LAND DEVELOPMENT CODE ARTICLE VII. ZONING DISTRICTS, DIVISION 2. ZONING DISTRICTS, SECTION 34-336. RESIDENTIAL, SINGLE-FAMILY: RS-1, SECTION 34-337. RESIDENTIAL SINGLE-FAMILY: RS-2, SECTION 34-338. RESIDENTIAL, SINGLE-FAMILY: RS-3, SECTION 34-339. RESIDENTIAL MULTIPLE-FAMILY: RM-1, SECTION 34-340. RESIDENTIAL, MULTIPLE-FAMILY: RM-2, SECTION 34-341. COMMERCIAL PROFESSIONAL OFFICE: CPO, SECTION 34-342. COMMERCIAL LIMITED: C-1, SECTION 34-343. COMMERCIAL GENERAL: C-2, SECTION 34-345. CENTRAL BUSINESS DISTRICT: CBD; PROVIDING THAT SHORT TERM VACATION RENTALS ARE A PERMITTED USE; PROVIDING FOR FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance for the amendment of the Land Development Code is before this Council for a public hearing and consideration on its first reading. Under the laws of the State of Florida, an ordinance which changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or which otherwise changes the text of the Land Development Code, is a ‘quasi-legislative’ proceeding. A quasi-legislative proceeding means that a governing body is acting in its rule-making capacity.

It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed uses within a zoning category.

The application has been reviewed by Staff and the Planning Commission for consistency with other portions of the Land Development Code and the Comprehensive Plan. The Council may hear from all interested parties in the legislative determination of an amendment to the text of the Land Development Code.

The Council's decision on a text amendment application is based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria."

Public Hearing:

Mayor Latham opened the public hearing on Ordinance No. 2019-8118.

The following spoke regarding the agenda item:

- Robert Grovenstein, 3007 Ocean Drive South, Jacksonville Beach
- Sean Shapiro, 1745 Pullian Street, Jacksonville Beach
- Justin Rawls, 403 12th Avenue South, Jacksonville Beach

The following spoke in opposition to the agenda item:

- Evan Greenfield, 1800 The Greens Way #208, Jacksonville Beach
- Mike Vinci, 214 Tallwood Road, Jacksonville Beach
- Wally Sears, 807 2nd Street South, Jacksonville Beach
- Jeanell Wilson, 2014 South Oceanfront Drive, Jacksonville Beach; also the owner of All South Realty, 3090 South 3rd Street, Jacksonville Beach
- Erin Sandoval, 1300 Florida Boulevard, Neptune Beach, referenced a handout [on file]
- Steve Milo, 202 21st Avenue South, Jacksonville Beach
- Susan Castellanos, 3490 Ocean Drive South, Jacksonville Beach
- Collette Waterman, 4067 America Avenue, Jacksonville Beach

The following were opposed to the item, but preferred not to speak:

- Katie Hayse, 4116 South 3rd Street, Jacksonville Beach
- William Gilbert, 2100 Ocean Drive South, Jacksonville Beach
- Connie Gilbert, 2100 Ocean Drive South 4A, Jacksonville Beach
- Audrey Lackie, 117 2nd Avenue South, Jacksonville Beach
- Tess Walter, 1030 4th Street North, Jacksonville Beach

The following spoke in support of the agenda item:

- Steve Cooper, 534 14th Avenue South, Jacksonville Beach
- Shelby Smith, 523 14th Avenue South, Jacksonville Beach
- Eileen Ward, 529 14th Avenue South, Jacksonville Beach, referenced a handout [on file]
- Tony Komarek, 533 11th Avenue South, Jacksonville Beach
- Lyle Reimann, 91 19th Avenue North, Jacksonville Beach
- Ron Taylor, 360 13th Avenue North, Jacksonville Beach
- Joe Santa Maria, 620 11th Avenue South, Jacksonville Beach

- Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach
- Michael Barker, 213 Tallwood Road, Jacksonville Beach

Mayor Latham closed the Public Hearing and read the following:

“Before requesting a motion on this ordinance, beginning with myself, each of the members is requested to indicate for the record both the names of persons and the substance of any ex parte communications regarding this application. An ex parte communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision, which occurred outside of the public hearing process.”

Mayor Latham stated he spoke with Jeanell Wilson who is against this ordinance and Matt Lany who is for the ordinance. He also received approximately six emails evenly split for and against, but he does not recall the names.

Mr. Nichols stated he had substantial ex parte communication with people on both sides of the issue and he spoke with Jeanell Wilson. Mr. Nichols stated he would create a list and submit it for the record.

Mayor Latham stated all his emails are posted online on the City’s website. Mr. Nichols said he received 30-40 emails on both sides of the issue.

Ms. Dumont stated she received numerous emails on both sides of the issue and she would provide a list for the record.

Mr. Vogelsang stated he received the same emails but had not created a list. If it is necessary, he agreed to create a list for the records.

Ms. Hoffman stated she received numerous emails on both sides of the issue, most frequently the seven-point email from Beaches area realtors. She also spoke on the phone with Paul Seago from Expedia, and met with Kenny from Airbnb, over a month ago.

Ms. Golding stated she had several conversations on the phone and in person, and received emails on both sides. Ms. Golding submitted a list to the City Clerk [on file] and said there are approximately 65 different people on the list. The property appraiser and the tax collector are included on the list as well as other people she wanted to talk to in regard to compliance regarding short term rentals.

Mayor Latham called a five-minute recess at 9:35 P.M.

The meeting was called back to order at approximately 9:42 P.M.

Mayor Latham called up a Boy Scout who was in attendance who is working on a merit badge. Zane [last name unknown] approached the podium and announced he is part of Troop 277 and he is working on a “Citizenship in the Community” merit badge.

Mayor Latham stated he would vary from the script to ask the City Attorney to introduce the concepts put forward by the Planning Commission.

Ms. May stated the Council had a summary of changes made to the ordinance following the public workshop on June 27, 2019, and a summary of the remaining regulation. The Planning Commission held a public hearing on July 22, 2019, where they made a recommendation for approval, but with consideration for the following changes:

- Define maximum occupancy as two (2) persons per bedroom plus two (2), or one (1) per one hundred fifty (150) square feet, whichever is less.
- Define parking standards with a consideration for older dwellings without the required two paved spaces, allowing the ability to park on the grass.

Ms. May stated there was a discussion at the Planning Commission meeting of crafting some grandfathering language. Discussion with staff brought suggestions for a maximum parking standard in line with other jurisdictions.

- No more than one vehicle per bedroom with maximum vehicles allowed on site not to exceed the number of bedrooms plus one.
 - No on-street parking.
 - Paved area parking must be utilized first.
- Define “person” for the purposes of occupancy so as not to include small children or infants. Consider discussing defining a “person” as over 24 months or some other reasonable age, so infants and small children are not included in the occupancy count.
 - Consider revisiting in one year to review the costs and revenue expended on this ordinance and revisit the fees.

Ms. May stated she recommended one additional alteration to remove reference to the National Fire Protection Association (NFPA) 101 Life Safety Code as discussions with the Fire Marshal show it is redundant to the compliance with the Florida Fire Prevention Code because the Florida Fire Prevention Code encompasses the NFPA.

Ms. May clarified new provisions under Chapter 509 would not apply to this proposed ordinance since it does not seek to prohibit short term rentals, but in fact, specifically allows for the use in all zoning districts where residential use is currently permitted or a conditional use. Ms. May referenced a chart [on file] comparing requirements from other jurisdictions.

Ms. May summarized areas of the proposed ordinance as well as possible changes and interpretations. Mr. Mann stated there should be some level square footage cap parallel with the number of occupants per bedroom.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance Number 2019-8118, amending the Land Development Code Chapter 34 to define and regulate short-term rentals, where permitted.

Discussion: Mayor Latham read the following statement for the record:

“Before opening the floor for discussion or questions by the Council, please be reminded that our decision will be based on the criteria set forth in the Land Development Code, and the Council is required to approve a clear statement of specific findings of fact stating the basis upon which such facts were determined and the decision was made.”

Extensive discussion ensued regarding parking regulations, grandfathering language, paying the local business tax, and compliance with other required taxes and licenses.

Ms. Golding suggested including language to address sexual offenders and sexual predators as a requirement for advertising properties within 1,400 feet of a school.

Mayor Latham asked Council members to work on putting together motions to modify the existing language in the ordinance.

Discussion continued regarding parking issues, grandfathering, the fee schedule, enforcement of existing laws; definitions of bedrooms, closets, and the recommendations from the Planning Commission. Mayor Latham asked the Council to look at the recommendations from the Planning Commission and the information provided by the City Attorney put together from similar cities, and make some suggestions to get through the first reading and move forward this legislation.

Motion: It was moved by Ms. Dumont, seconded by Ms. Golding, and passed unanimously, to amend the ordinance so the maximum occupancy would be two (2) people per bedroom plus two (2) additional people.

Motion: It was moved by Ms. Dumont to strike the last sentence of the draft ordinance under Section 34-411(c)(2), which reads, "On-street or grass parking shall not be permitted."

Motion died for lack of a second.

Motion: It was moved by Mr. Vogelsang, seconded by Ms. Golding, to modify the parking plan to allow for one (1) parking space per bedroom plus one (1) parking space for the common area, so long as off-street parking is provided on the property in the form of pavers, concrete or gravel, and not blocking the sidewalk.

Ms. Dumont stated the motion might be considered onerous requiring paved parking. Mr. Mann answered a question and clarified gravel does not count toward lot coverage but cautioned other parking requirements, such as sideyard setbacks, would still be required.

Amended Motion: It was moved by Mr. Vogelsang, seconded by Ms. Golding, to amend his previous motion to add a requirement that a parking plan be attached to the application.

Discussion ensued, and Mr. Mann addressed questions related to parking requirements and parking options. Ms. Hoffman suggested taking the time before the second reading to come up with a couple of proposals.

Mr. Vogelsang withdrew his motion to allow time for Mr. Mann to draft options on the parking issue.

Motion: It was moved by Mr. Vogelsang, seconded by Ms. Hoffman, and passed unanimously, to delete the evacuation map requirement.

Motion: It was moved by Mr. Vogelsang, seconded by Ms. Hoffman, to delete the NFPA [National Fire Protection Association] compliance requirement in [Section 34-411(b)] (6)b. on Page 9 [of the draft ordinance].

Ms. May stated she already asked to remove that language because the NFPA is already encompassed in the Florida Fire Prevention Code.

Motion: It was moved by Mr. Vogelsang to delete the NFPA and Fire Prevention Code.

Ms. May stated it would raise a legal issue because they are subject to the Fire Prevention Code.

Motion died for lack of a second.

Restated Motion: It was moved by Mr. Vogelsang, seconded by Ms. Hoffman, and passed unanimously, to delete the NFPA requirement.

Motion: It was moved by Ms. Dumont to add in Section 34-411(h) on Page 14 [of the draft ordinance], the sex offender language when a [short term] rental is being advertised to let people know when they are within a certain footage from a park, a bus stop, or a school.

Ms. May made a recommendation the language be included under Section (c) on Page 10, where it talks about advertising. Ms. Dumont agreed with the suggested location for the language.

Amended Motion: It was moved by Ms. Dumont, seconded by Ms. Golding, and passed unanimously, to add the language Ms. Golding suggested that rental properties, when advertising, note if the property is within the legal distance from a bus stop, playground or school, that a sexual predator or offender is not able to occupy that property.

Ms. May answered a question from Mr. Nichols related to the fee schedule and stated the fee schedule is passed by resolution, but it is not before the Council tonight. The fees have been reduced from the original version, and it is posted on the City's website.

Ms. Hoffman brought up the definition of "person" and wanted it looked at along with parking as to how other cities define them.

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

Item #19-133 – ORDINANCE NO. 2019-8122 (Second Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2019-8122 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE

INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE VII. ZONING DISTRICTS, DIVISION 2, SECTION 34-343. COMMERCIAL, GENERAL: C-2, PARAGRAPH (d) CONDITIONAL USES TO ADD "CRAFT DISTILLERY" AS SUBPARAGRAPH (18); TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES."

Mayor Latham read the following:

"This ordinance for the amendment of the Land Development Code is before this Council for a public hearing and consideration on its second reading. Under the laws of the State of Florida, an ordinance which changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or which otherwise changes the text of the Land Development Code, is a 'quasi-legislative' proceeding. A quasi-legislative proceeding means that a governing body is acting in its rule-making capacity.

It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed uses within a zoning category.

The application has been reviewed by Staff and the Planning Commission for consistency with other portions of the Land Development Code and the Comprehensive Plan. The Council may hear from all interested parties in the legislative determination of an amendment to the text of the Land Development Code.

The Council's decision on a text amendment application is based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria."

Public Hearing:

Mayor Latham opened the public hearing on Ordinance No. 2019-8122.

Ed Malin, 1436 Beach Boulevard, Jacksonville Beach, stated craft distillery currently exists in Industrial Zoning. He is asking the same use be allowed as a conditional use on Commercial general space, specifically the Angie's Subs lot.

Mayor Latham asked if anyone wished to speak on this item.

The following spoke regarding the agenda item:

- Mark Beamenderfer, 1505 Osceola Avenue, Jacksonville Beach
- Justin Rawls, 403 12th Avenue South, Jacksonville Beach

The following spoke in favor of the agenda item:

- Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach

Mr. Malin briefly went over the proposed project.

Mayor Latham closed the Public Hearing and read the following:

“Before requesting a motion on this ordinance, beginning with myself, each of the members is requested to indicate for the record both the names of persons and the substance of any ex parte communications regarding this application. An ex parte communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision, which occurred outside of the public hearing process.”

There was no ex parte communication.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance Number 2019-8122, amending the Land Development Code to add “craft distillery” to the list of conditional uses in the City’s Commercial, general: C-2 zoning districts.

Discussion: Mayor Latham read the following statement for the record:

“Before opening the floor for discussion or questions by the Council, please be reminded that our decision will be based on the criteria set forth in the Land Development Code, Staff’s report, the recommendation of the Planning Commission and the public input at all hearings.”

There was no discussion by the Council.

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

Item #19-117 – ORDINANCE NO. 2019-8123 (Second Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2019-8123 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING ARTICLE VIII. SUPPLEMENTAL STANDARDS, DIVISION 2, SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES AND PHARMACIES, AMENDING THE PROXIMITY REQUIREMENTS TO COMPLY WITH 381.986, FLORIDA STATUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance for the amendment of the Land Development Code is before this Council for a public hearing and consideration on its second reading. Under the laws of the State of Florida, an ordinance which changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or which otherwise changes the text of the Land Development Code, is a ‘quasi-legislative’ proceeding. A quasi-legislative proceeding means that a governing body is acting in its rule-making capacity.

It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed uses within a zoning category.

The application has been reviewed by Staff and the Planning Commission for consistency with other portions of the Land Development Code and the Comprehensive Plan. The Council may hear from all interested parties in the legislative determination of an amendment to the text of the Land Development Code.

The Council's decision on a text amendment application is based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria."

Mr. Mann explained part of the statutes require the City to accommodate medical marijuana treatment facilities (MMTDs) and asks they be treated no differently than pharmacies. There is not a distance requirement for pharmacies in the current regulations, so either add the requirement for pharmacies or strike the distance requirement from MMTDs. Staff is proposing the latter.

Public Hearing:

Mayor Latham opened the public hearing on Ordinance No. 2019-8123.

Mayor Latham asked if anyone wished to speak on this item. No one came forward.

Mayor Latham closed the Public Hearing and read the following:

"Before requesting a motion on this ordinance, beginning with myself, each of the members is requested to indicate for the record both the names of persons and the substance of any ex parte communications regarding this application. An ex parte communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision, which occurred outside of the public hearing process."

There was no ex parte communication.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance Number 2019-8123, amending the Land Development Code Section 34-408 to remove proximity requirements for Medical Marijuana Treatment Center Dispensaries to comply with Florida Statutes.

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

ADJOURNMENT:

There being no further business, the meeting adjourned at approximately 10:55 P.M.

Submitted by: Laurie Scott
City Clerk

LS/sg

Approval:



William C. Latham, MAYOR

Date: 08/19/19