

**Minutes of Regular City Council Meeting
held Monday, October 21, 2019, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES:

Mayor Latham provided the Invocation, followed by the salute to the flag.

CALL TO ORDER:

Mayor Latham called the meeting to order at 7:07 P.M.

ROLL CALL:

Mayor: William C. Latham

Council Members: Keith Doherty Georgette Dumont Sandy Golding
Christine Hoffman (*Absent*) Cory Nichols Phil Vogelsang (*Absent*)

Also present were Deputy City Manager Karen Nelson and City Attorney Chris Ambrosio.

APPROVAL OF MINUTES:

Motion: It was moved by Ms. Dumont, seconded by Ms. Golding, and passed unanimously to approve the following minutes:

- Council Briefing held on October 7, 2019
- Regular Council Meeting held on October 7, 2019

ANNOUNCEMENTS:

Mayor Latham introduced the new City Attorney Chris Ambrosio.

Council Member Golding encouraged increased safety awareness by parents and students following a recent accident involving a student on a bike.

COURTESY OF THE FLOOR TO VISITORS:

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach, spoke about the discussion at the Council Briefing held prior to this Council meeting regarding the Community Redevelopment Agency and the various Downtown vision plans.
- Casey Jones, 125 11th Street, Atlantic Beach, spoke about sea turtle lighting.

Police Chief Gene Paul Smith explained the test of the first amber light was pretty dark. A second light is currently being tested.

- Mary Frosio, 1830 Nightfall Drive, Neptune Beach, spoke about the Kings Road Bridge and the Lakeside Drive gate. Ms. Frosio shared information she received in an email from Neptune Beach Public Works Director Leon Smith about the Kings Road Bridge from the construction engineer [copy on file].
- Ellen Foley, 4235 Marsh Landing Boulevard, Apartment 126, Jacksonville Beach, stated she spoke before the Council one year ago. Ms. Foley spoke about the need for a public croquet court. Ms. Foley submitted a petition with 37 signatures for the Mayor Latham asking for a croquet court at the Jacksonville Beach Golf Course (Wingate Park) along

with a handout with information about a public croquet club in Sarasota County [copy on file].

- Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach, thanked Council for the flashing safety lights at Jacksonville Beach Elementary School and also for allowing space at the Carver Center to be used for a movie in the park.
- Justin Michael Ptak, 404 8th Street South, Jacksonville Beach, spoke about public welfare, economic development, and local monetary currency.

MAYOR AND CITY COUNCIL:

CITY CLERK:

CITY MANAGER:

Item #19-181 – Approve the Monthly Financial Reports for the Month of September

Motion: It was moved by Ms. Dumont and seconded by Ms. Golding, to approve the monthly financial reports for the month of September.

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

Item #19-182 – Approve a Budget Increase Not to Exceed \$150,000 to the Contract with JL Malone (General Contractor) for the Expansion of Beaches Energy Services' Guana Substation

Motion: It was moved by Ms. Dumont and seconded by Ms. Golding, to approve a budget increase not to exceed \$150,000 to the contract with JL Malone (General Contractor) for the expansion of Beaches Energy Services' Guana Substation.

Deputy City Manager Karen Nelson stated this project was approved by Council in 2018 and during the project, Beaches Energy has identified the need to expand and revise the scope of the original project. Beaches Energy Services Director Allen Putnam explained the need for the changes to the project.

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

Item #19-183 – Award RFP No. 08-1819 Design-Build Contract for Sampson Substation Autotransformer No. 2 Replacement 2019

Motion: It was moved by Ms. Dumont and seconded by Ms. Golding, to award RFP No. 08-1819 Design-Build Contract for Sampson Substation Autotransformer No. 2 replacement 2019.

Mr. Putnam explained Council previously approved a +/- \$3,000,000 budget to procure and install a new transformer at Sampson Substation, the largest transformer in the system. This award would allow negotiation for the remainder of the project.

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

RESOLUTIONS:

Item #19-184 – RESOLUTION NO. 2041-2019

Mayor Latham requested the City Clerk read Resolution No. 2041-2019 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF AMENDING THE OPERATING BUDGET OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018, AND ENDING SEPTEMBER 30, 2019.”

Motion: It was moved by Ms. Dumont and seconded by Ms. Golding, to adopt Resolution 2041-2019 authorizing the year-end budget adjustment.

Ms. Nelson explained this is the annual year-end budget modification with most of the items previously being approved by Council, with exceptions outlined in the cover memo. Ms. Gossett answered questions on the item.

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

Item #19-185 – RESOLUTION NO. 2042-2019

Mayor Latham requested the City Clerk read Resolution No. 2042-2019 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY ONLINE.”

Motion: It was moved by Ms. Dumont and seconded by Ms. Golding, to adopt Resolution No. 2042-2019 providing for the sale of surplus property online.

Ms. Nelson explained the City identifies property, including equipment and vehicles, no longer used in service, and declared surplus. Those items are listed online at public auction.

Discussion ensued about previous discussions to not require this item to come before Council for approval. Ms. Nelson stated City ordinance requires auction items for sale to be approved by Council. A legislative change is required to change the requirement.

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

Item #19-186 – RESOLUTION NO. 2043-2019

Mayor Latham requested the City Clerk read Resolution No. 2043-2019 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, RECOGNIZING THE WEEK OF OCTOBER 21-27, 2019, AS FLORIDA CITY GOVERNMENT WEEK.”

Motion: It was moved by Ms. Dumont and seconded by Ms. Golding, to adopt Resolution No. 2043-2019 recognizing Florida City Government Week.

Ms. Nelson explained Florida City Government Week is sponsored by the Florida League of Cities to foster civic education, collaboration, volunteerism and more.

Ms. Dumont stated she would be speaking with 4th and 5th graders at Seabreeze Elementary School on October 24, 2019, who are members of FIRST Lego League about different issues in the city and how they can try and solve some of the problems.

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

ORDINANCES:

Item #19-187 – ORDINANCE NO. 2019-8116 (Second Reading) (Public Hearing)

“AN ORDINANCE AMENDING CHAPTER 4, “ALCOHOLIC BEVERAGES,” OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY AMENDING SECTION 4-2, “PROHIBITED HOURS OF SALE, CONSUMPTION, AND SERVICE,” PROVIDING FOR REQUIRED SECURITY MEASURES; PROVIDING FOR ENHANCED PENALTIES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.”

Mayor Latham called former Acting City Attorney Denise May, with Marks Gray, to the podium to address concerns raised in reference to Ordinance No. 2019-8116. Ms. May explained the ordinance is back before Council with the amendment approved at the October 7, 2019, Council meeting. It was brought to Ms. May’s attention further amendments are needed due to scrivener’s errors from corrections on the last ordinance. Ms. May stated there was discussion by the Council to change “shall” in section (4) to “may,” on page 5 of 10.

Ms. May recommended a change to the wording to add in front of the “unless” in section (4), “so long as the alcoholic beverage establishment is compliant with the requirements of this ordinance, and unless any of the following occur:” followed by the list of three items which, if they occur, would preclude getting a permit.

Ms. May also noted where the time was changed from “6:00 a.m.” to “7:00 a.m.” in reference to hours these establishments could remain open found in subsection (6) and (7) on page 5 of 10, and in subsection (c) on page 3 of 10, was due to a previous typo. Florida Statute 562.14 states licensed premises may not serve “between the hours of midnight and 7 a.m.,” not 6:00 a.m., unless there is an ordinance in the city that permits it. The City’s ordinance permits the extension from midnight to 2:00 a.m., but was never intended to move it back to 6:00 a.m.

Ms. May explained the intent was not to preclude someone who wanted to open at 6:00 a.m. and serve breakfast without serving alcohol from doing so (i.e. 10K runs). Ms. May recommended removing the words “or be open for operation” from section n (6) on page 5 of 10 and subsection (c) on page 3 of 10.

Ms. May was seeking two motions:

- A motion to amend Section 4-2 for the reasons stated by Ms. May by stating “as amended on the floor by Council;” and if approved
- A motion to bring Ordinance No. 2019-8116, as amended, for a third reading on November 4, 2019.

Public Hearing:

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

An extended discussion ensued on the recommended changes, the impact on businesses that open for breakfast who serve alcohol, and the State requirement for alcohol to be secured.

Ms. May suggested, in addition to previously mentioned changes in section (6) on page 5 of 10, adding a sentence to the which reads, “Alcoholic beverage establishments shall not be open for operation between the hours of 2:00 a.m. to 6:00 a.m. on any day of the week.”

Motion: It was moved by Ms. Dumont and seconded by Ms. Golding, to amend Ordinance No. 2019-8116, as amended on the floor by Council.

Voice Vote: Ayes - 4
Nays - 0
Mr. Doherty did not vote.

Motion: It was moved by Ms. Dumont and seconded by Ms. Golding, to have a third reading of Ordinance No. 2019-8116, to take place on November 4, 2019.

Voice Vote: Ayes – 4
Nays - 0
Mr. Doherty did not vote.

ADJOURNMENT:

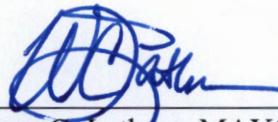
Prior to adjournment, Mayor Latham recognized former Acting City Attorney Denise May for her service to the City of Jacksonville Beach by presenting her with a Resolution of Esteem [copy on file].

There being no further business, the meeting adjourned at 8:02 P.M.

Submitted by: Laurie Scott
City Clerk

LS/sg

Approval:



William C. Latham, MAYOR

Date: _____

11/04/19