

**Minutes of Regular City Council Meeting
held Monday, February 3, 2020 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 7:03 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, City Attorney Chris Ambrosio, City Clerk Laurie Scott, and Assistant City Clerk Sheri Gosselin.

APPROVAL OF MINUTES:

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

- Council Briefing held on January 21, 2020
- Regular Council Meeting held on January 21, 2020

ANNOUNCEMENTS:

Ms. Golding reported Beaches Watch would hold its annual State of the Beaches meeting on February 5, 2020, at the Beaches Branch Library community room at 7:00 P.M. The Mayors of Atlantic Beach, Neptune Beach and Mayor Latham would attend to discuss accomplishments in 2019 and plans for 2020.

Ms. Dumont stated she participated in the Point-in-Time Count, which recorded the homeless population at the beach. She said 53 people had been at the cold night shelter. On January 24, 2020, she attended a cybersecurity conference hosted by the Florida League of Cities. She reported the Community Vision sessions were ongoing, and more would be added if more people wished to participate. She announced the City hired Jacob Board, Communications Manager, to better inform residents.

COURTESY OF THE FLOOR TO VISITORS:

Mayor Latham extended Courtesy of the Floor to visitors.

- Ron Taylor, 360 13th Avenue North, spoke about the party culture of the city and the need for a more family-oriented atmosphere. He suggested a Public Safety Commission.
- Lisa Brown, 1115 2nd Street South, discussed the “never-ending” construction on 2nd Street between 11th Avenue South and 13th Avenue South.

- Savannah Taylor, 360 13th Avenue North, spoke about “accountability and culture” at the beach.
- Ken Marsh, 2011 Gail Avenue, talked about the city improving engagement with citizens.
- Casey Jones, 13150 Yamasi Trail, Jacksonville, Florida Sea Turtle Watch, reminded everyone sea turtle season would begin in 87 days and discussed what was being done to address the challenges they faced.

MAYOR AND CITY COUNCIL:

Item #20-017 - Discuss City Manager’s Annual Performance Evaluation

Mayor Latham stated Council had gone through a detailed process and discussed the results at their briefing earlier.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve a 6% increase in the City Manager’s annual base salary, effective January 28, 2020, in accordance with Section 7B of the City Manager’s employment agreement.

Discussion:

Ms. Golding explained the first 3% of the increase was related to the 3% adjustment granted to all staff after the pay study. The additional 3% was for merit.

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

CITY CLERK: None

CITY MANAGER:

Item #20-018 – Approve the Purchase of Replacement Workstations for the Police Department Communications Center

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the purchase of replacement workstations for the Police Department Communication Center as described in the January 17, 2020 memorandum from Police Chief Gene Paul N. Smith to City Manager Michael J. Staffopoulos.

Mr. Staffopoulos said this would replace 17-year-old furniture in the Communication Center. He noted they would receive \$30,000 in matching funds from the City of Jacksonville.

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

Item #20-019 – Approve an Amount Not to Exceed \$2,915,000 to Burns & McDonnell for the Lump Sum Contract Price for All Remaining Engineering Services, Procurement of All Remaining Materials, and Construction for the Design-

Build Contract for Sampson Substation Autotransformer No. 2 Replacement Project.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve an amount not to exceed \$2,915,000 to Burns & McDonnell for the lump sum contract price for all remaining activities associated with the design-build contract for Sampson Substation Autotransformer No. 2 Replacement Project.

Mr. Staffopoulos stated this was phase 2 of the project. The total project cost was \$2.9 million to replace the substation transformer.

Beaches Energy Director Alan Putnam stated the transformer was 40 years old. The project included a new transformer and building a new foundation to relocate the old transformer to keep as a spare.

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

RESOLUTIONS:

Item #20-020 – RESOLUTION NO. 2048-2020 (Continued from January 21, 2020, City Council meeting)

Mayor Latham requested the City Clerk read Resolution No. 2048-2020 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING AND ADOPTING A CODE OF ETHICS FOR PUBLIC OFFICIALS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, RESOLUTIONS AND OFFICIAL DECISIONS, AND PROVIDING FOR AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Resolution No. 2048-2020, establishing and adopting a Code of Ethics for Public Officials for the City of Jacksonville Beach.

Mr. Staffopoulos reported changes pursuant to the Council’s comments on January 21, 2020, had been incorporated.

Discussion:

Ms. Golding asked the Code of Ethics to be posted on the city’s website. She also wanted all signatories to be provided with a copy of the Workplace Violence and Sexual Harassment Policy referenced in Section P.

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

ORDINANCES:

Item #20-021 – ORDINANCE NO. 2020-8131 (Second Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8131 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 34, ARTICLE IV, SECTION 34-41 AND ARTICLE VIII, DIVISION 2, SECTION 34-392 OF THE LAND DEVELOPMENT CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING THE DEFINITION OF HOUSEHOLD PETS TO INCLUDE FEMALE CHICKENS, AND AMENDING THE SITE DEVELOPMENT STANDARDS ACCESSORY USES AND STRUCTURES TO PERMIT FEMALE CHICKENS IN RESIDENTIAL ZONING DISTRICTS, ADDING CATS, DOGS, HAMSTERS AND BIRDS AS EXAMPLE HOUSEHOLD PETS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES AND OFFICIAL ACTS IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; 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. 2020-8131.

The following spoke in opposition to the agenda item:

- Tina Strong, 1244 12th Street North, Jacksonville Beach
- Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach

The following supported the item but did not wish to address Council:

- Alexis Gamel, 1302 18th Avenue, Jacksonville Beach
- Katrina Lane, 603 16th Street North, Jacksonville Beach
- Lindsay Haga, 501 2nd Street South, 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 Jim Sorrell after the January 21, 2020, Council meeting, and he was opposed to the item.

Mr. Doherty stated he spoke with Jim Sorrell prior to this meeting.

Ms. Golding stated she spoke with Alexis Gamel, Katrina Lane, and Lindsay Haga after the January 21, 2020, Council meeting, and they supported the item.

Mr. Nichols, Ms. Dumont, Mr. Vogelsang, and Ms. Hoffman stated they had no ex parte communication.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance No. 2020-8131 to amend Section 34-41 and 34-392 of the Jacksonville Beach Land Development Code related to permitting hens as household pets.

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, Staffs report, the recommendation of the Planning Commission and the public input at all hearings."

Motion: It was moved by Ms. Dumont to table the item to a future meeting.

Ms. Dumont wanted the City Attorney to include language that this ordinance could be revoked at any time, and no permit holders could be grandfathered in. She also wanted to consider specifying a minimum lot size.

The Motion died for lack of a second.

Motion: It was moved by Mr. Vogelsang to limit the number of hens to three per property.

The Motion died for lack of a second.

Mr. Doherty thought the other beach communities had this type of ordinance and had not suffered problems. He felt it was unfair to penalize people on small lots by limiting their ability to have hens.

Senior Planner Heather Ireland answered a question from Ms. Golding and explained the enforcement process for violations of this ordinance.

Ms. Golding spoke with Atlantic Beach and Neptune Beach officials, who were experiencing no issues since adopting similar ordinances.

Mr. Nichols noted the ordinance included the following limitations: a minimum lot size of 5,000 square feet; single-family homes only in RS-1, RS-2 and RS-3 zoning districts.

Mayor Latham said he opposed this because of the noise and smell it could inflict upon neighbors.

Roll Call Vote: Ayes – Nichols, Vogelsang, Doherty, Golding, Hoffman
Nays - Dumont, Mayor Latham
The motion passed 5-2.

Item #20-022 - ORDINANCE NO. 2020-8132 (Second Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8132 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING CHAPTER 5. ANIMALS AND FOWL, ADDING ARTICLE IV. BACKYARD HENS, PROVIDING PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR GENERAL REQUIREMENTS; REQUIRING PERMITS; PROVIDING FOR PERMITTED ZONING LOCATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.”

Public Hearing:

The following spoke in opposition to the agenda item:

- Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance No. 2020-8132, to amend Chapter 5. Animals and Fowl, of the City Code of

Ordinances, creating a new Subsection related to regulating the keeping of hens as household pets on residential property.

Discussion:

Ms. Golding stated this ordinance was based on those in Atlantic Beach, Neptune Beach, and Jacksonville and the setbacks were the same.

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

Item #20-023 ORDINANCE NO. 2019-8117 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2019-8117 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 VIII. SITE DEVELOPMENT STANDARDS DIVISION 4. SIGN STANDARDS TO PERMIT AND PROVIDE STANDARDS FOR OFF-SITE EMERGENCY WAYFINDING SIGNS FOR EMERGENCY SERVICES ONLY, FOR THE INCORPORATED AREA OF THE CITY, AND TO PROVIDE FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE. “

Mayor Latham asked the City Attorney to introduce the ordinance. Mr. Ambrosio stated he had provided a legal memorandum to Council members as a supplement explaining his reasons for advising them to deny this ordinance.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to deny Ordinance No. 2019-8117, based on the legal analysis of the proposed Land Development Code text amendment contained in the City Attorney’s memorandum to the City Manager dated January 16, 2020.

Public Hearing:

The following spoke in support of the agenda item:

- Gene Filbert, 3631 Paradise Way, Jacksonville Beach
- Sonny Bhikha, 2656 Tartus Drive, Jacksonville
- Joseph Mitrick, Baptist Medical Center Beaches President, 1350 13th Avenue South, Jacksonville Beach
- Jeff Smowton, 12910 Littleton Bend Road, Jacksonville
- Lori Caudle, 2321 Old Pine Trail, Fleming Island

- Ernie Bono, 377 Vista Lake Circle, Ponte Vedra
- Brian Mickley, 148 Natures Isle Drive, Ponte Vedra Beach
- Zach Miller, 841 Prudential Drive, Jacksonville
- Jay Farhat, 1350 13th Avenue South, Jacksonville Beach
- Nancy Ann Kern, 3409 1st Street South, Jacksonville Beach
- Janice Kiernan, 16 Sailfish Drive, Ponte Vedra
- Pat Wilson, 121 Lamplighter Lane, Ponte Vedra

The following spoke in opposition to the agenda item:

- Tracey Arpen, 8338 Daffin Lane, Jacksonville

The following supported the item but did not wish to address Council:

- Barbara Prettyman, 1825 8th Street North, Jacksonville Beach
- Ginger Filbert, 3631 Paradise Way, Jacksonville Beach
- Rita Bono, 377 Vista Lake Circle, Ponte Vedra
- Patricia Cagnassola, 2032 Vela Nutre Circle, Atlantic Beach
- Joan Lipp, 1830 Sevilla Boulevard, Atlantic Beach
- Barbara Lynn, 1621 Bentin Drive South, Jacksonville Beach
- Lucy Stewart, 121 33rd Avenue South, Jacksonville Beach
- Suzanne Maltz, 9632 Deer Run Drive, Ponte Vedra Beach
- Gary Tiller, 416 16th Street, St. Augustine
- Carol Hasselblad, 3534 Bay Colony Circle, Jacksonville Beach
- Vic Hasselblad, 3534 Bay Colony Circle, Jacksonville Beach
- Elizabeth Redick, 1405 5th Street North, Jacksonville Beach

Mayor Latham closed the public hearing.

Discussion:

Ms. Dumont acknowledged finding the hospital could be difficult but noted this was a commercial entity, and there would be ramifications for other businesses in the city. She recalled discussions on the Planning Commission regarding content-neutral signage. Ms. Dumont said this ordinance was not the right way to address this.

Mr. Ambrosio stated the Council was concerned about helping people find the hospital, but he could not support the proposed ordinance because it was not constitutionally valid. He said they were continuing to work on a solution.

Mr. Doherty agreed there were issues with non-local people finding the hospital but agreed the proposed ordinance, as written, could set an undesirable precedent. He confirmed their commitment to addressing the issue.

Mr. Nichols, Ms. Hoffman, and Ms. Golding agreed with Council and Mr. Ambrosio's comments.

Mayor Latham reminded everyone making the wrong decision could have negative impacts on the city and taxpayers. Mayor Latham stated he asked Mr. Staffopoulos and Mr. Ambrosio to make this a priority.

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

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:46 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: 2/17/2020