

**Minutes of Regular City Council Meeting
held Monday, February 17, 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 7:10 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 February 3, 2020
- Regular Council Meeting held on February 3, 2020.

ANNOUNCEMENTS:

Ms. Golding thanked Mayor Latham for the State of the Beaches presentation at the Beaches Watch meeting. She reported she finished the 26.2 Donna Half Marathon. Ms. Golding noted there were 49 personnel involved (21 sworn officers, 15 Citizens on Patrol volunteers, and 13 civilian employees) representing the Police Department and thanked them for participating. She stated she, Mayor Latham, Mr. Nichols, and Mr. Staffopoulos visited Tallahassee for the Florida League of Cities Legislative Action Days and met with several senators and representatives. She remarked there were many legislators in Tallahassee who did not support protecting Home Rule. She asked the public to tell their legislators to preserve Home Rule.

COURTESY OF THE FLOOR TO VISITORS:

Mayor Latham extended Courtesy of the Floor to visitors.

- Tim Kazmierczak, 2768 Lois Lane, Jacksonville Beach, discussed the Lakeside Drive gate/low-speed vehicle issue and suggested allowing bike access. He also wanted to encourage people to keep trash receptacles off of public streets.
- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach, thanked Parks and Recreation for the three new memorial benches in Huguenot Park. He wanted to expand the memorial program to more than benches and trees.
- Sonja Fitch, 1425 9th Street South, Jacksonville Beach, discussed economic statistics since President Donald Trump had been elected and said the facts demonstrated the economy was not better.

MAYOR AND CITY COUNCIL: *None*

CITY CLERK: *None*

CITY MANAGER:

Item #20-026 – Accept the Monthly Financial Reports for the Month of January 2020

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to accept the financial reports for the month of January 2020 as submitted by the Chief Financial Officer.

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

Item #20-027 – Approve the Assignment and Assumption of Commercial Lease Agreement between Benjamin Groshell and Chris Wooten and Safe Harbor Seafood Restaurant, LLC, and the Landlord’s Consent between the City of Jacksonville Beach and Let’s Eat, LLC

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the Assignment and Assumption of Commercial Lease Agreement between Benjamin Groshell and Chris Wooten and Safe Harbor Seafood Restaurant, LLC, and the Landlord’s Consent between the City of Jacksonville Beach and Let’s Eat, LLC.

Mr. Staffopoulos explained the current partnership that owns the business wants to substitute one of the partners. The Groshells will stay on as the primary partner, and the Wootens would be replaced by Let’s Eat LLC.

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

Item #20-028 – Award Bid Number 1920-03 for Light Poles and Luminaires

Mr. Staffopoulos explained these were fixtures and poles to replenish stock.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to award Bid Number 1920-03 for Light Poles and Luminaires to Electric Supply Inc. Direct, the lowest bidder meeting specifications.

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

Item #20-029 – Authorization to Fund and Purchase One New Vehicle for the Sanitation Contract Coordinator Position from the Florida Sheriffs Association Contract (FSA19-VEL27.0) (Item #192), Utilizing the 2020 Capital Outlay Savings from the Purchase of the Elgin Street Sweeper for the Public Works Streets/Sanitation Division

Mr. Staffopoulos said the position was approved last year, but a vehicle was not assigned for the position. Due to the proactive purchase of the street sweeper at a discounted price, there were funds available to purchase this vehicle.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the purchase of one new vehicle for the Sanitation Contract Coordinator from Duval, Florida LLC at a cost of \$29,387.00 utilizing the Florida Sheriffs Association contract (FSA19-VEL27.0).

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

Item #20-030 – Approve Payment for the Emergency Repair of the 6” PVC Sanitary Sewer Force Main that was Damaged by a Directional Boring (Contractor Installing Ducts on the North Side of Beach Boulevard near Hopson Road

Mr. Staffopoulos said staff expended over \$40,000 on the emergency repairs. He stated they were still working on getting reimbursement from other parties involved in damaging the utility. The total was \$41,448.24.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the emergency repair of the 6” PVC Sewer Force Main on the north side of Beach Boulevard near Hopson Road by G&H Underground Construction Inc., at a cost of \$41,448.24.

Ms. Dumont inquired why the City was not informed until after the break was made. Mr. Staffopoulos explained the contractor had performed directional drilling in a location different from where they were supposed to drill. Public Works was working with FDOT, the communications company, and their contractor to determine reimbursement. Ms. Dumont wanted to ensure that in the future, contractors understand the process. Mr. Staffopoulos responded that it is part of the discussion.

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

Item #20-031 – Approve First Amendment to the Agreement for Parking Management Services with SP Plus Corporation

Mr. Staffopoulos explained this is an amendment to the paid parking management services. It is a two-step process. This first step amends the Agreement with SP Plus to clarify some of the language, including a fee schedule breakdown and collections. The second step adopts the resolution on the next agenda item.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the First Amendment to the Agreement for Parking Management Services with SP Plus Corporation.

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

RESOLUTIONS:

Item #20-032 – RESOLUTION NO. 2050-2020

Mayor Latham requested the City Clerk read Resolution No. 2050-2020 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING RESOLUTION NO. 1987-2017 TO AUTHORIZE AMENDMENT OF THE AGREEMENT FOR PARKING MANAGEMENT SERVICES FOR CERTAIN CITY PARKING LOTS WITH SP PLUS CORPORATION TO EXTEND THE AGREEMENT ONE YEAR, TO GRANT SP PLUS MANAGEMENT RESPONSIBILITY AND AUTHORITY TO COLLECT PARKING CITATIONS AND TO ESTABLISH CHARGES AND FEES FOR CITATIONS AND VIOLATIONS, TO ESTABLISH THE COSTS AND FEES SHARE ARRANGEMENTS, AND TO SET PARKING FEES AND CITATION CHARGES; PROVIDING FOR RENEWAL AND AMENDMENT; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ACTS, SEVERABILITY, AND AN EFFECTIVE DATE.”

Ms. Staffopoulos explained this resolution would codify the Parking Management Services contract with SP Plus Corporation.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Resolution No. 2050-2020, amending the Agreement for Parking Services and revising fees.

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

Item #20-033 – RESOLUTION NO. 2051-2020

Mayor Latham requested the City Clerk read Resolution No. 2051-2020 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, APPROVING THE CONTINUED EXISTENCE OF THE COMMUNITY REDEVELOPMENT AGENCY AND EXTENDING ITS EXPIRATION DATE IN ACCORDANCE WITH SECTION 163.3755(1), FLORIDA STATUTES; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTION; PROVIDING FOR REPEAL OF CONFLICTS; AND SETTING AN EFFECTIVE DATE.”

Mr. Staffopoulos stated this would address new state statutes regarding Community Redevelopment Agencies (CRAs). It would allow the two CRA Districts to operate until 2047.

The following spoke in support of the agenda item:

- Frances Povloski, 402 15th Street North, Jacksonville Beach, asked the Council to consider extending the CRA's life and to give the CRA staff.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Resolution No. 2051-2020 approving the continued existence of the Jacksonville Beach Community Redevelopment Agency beyond January 30, 2039, pursuant to Section 163.3755(1), Florida Statutes.

Discussion:

Chief Financial Officer Ashlie Gossett stated the City of Jacksonville Beach portion of CRA monies would return to the General Fund, and the City of Jacksonville funds would return to the City of Jacksonville after the CRA expired.

The Council discussed administering the CRA.

Mr. Staffopoulos reported he and Mr. Mann were creating the job description for the CRA position, and are also looking for workspace for the additional staff.

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

ORDINANCES:

Item #20-034 – ORDINANCE NO. 2020-8133 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8133 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO AMEND VARIOUS ARTICLES, DIVISIONS, AND SECTIONS OF THE CITY OF JACKSONVILLE BEACH, CODE OF ORDINANCES CHAPTER 34 LAND DEVELOPMENT CODE; TO PROVIDE CLARIFICATIONS, REVISIONS, UPDATES, AND REORGANIZATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, AND 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. 2020-8133.

Director of Planning and Development Bill Mann described the request.

Mr. Staffopoulos stated this was phase 1 of 2. He recalled it had been denied by a previous Council 18 months ago, but one of the controversial items had been resolved, and the current Council had requested the ordinance come back.

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."

Council members disclosed they had no ex-parte communications regarding this item.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance No. 2020-8133 amending the text in Articles II, IV, V, VI, VII, VIII, and IX of Chapter 34, Land Development Code of the Jacksonville Beach Code of Ordinances.

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."

Ms. Hoffman asked if specifying appeals be heard by the Circuit Court of Duval County instead of the Board of Adjustment was common. Mr. Mann noted this was a better situation for the Board of Adjustment because every application they heard was based on his interpretation of the Code. Mr. Ambrosio felt it would benefit the applicant to have the appeal heard by the circuit court.

Ms. Golding asked about several sign types, and Mr. Mann replied some signs would be legal, non-conforming if a permit had been issued using old standards. The determination would be

made on a case-by-case basis. Ms. Golding was concerned about some of the proposed sign restrictions and suggested they discuss it further.

Mr. Mann explained to Mr. Vogelsang the proposed changes regarding setbacks for HVAC units. If the work being done exceeded 50% of the value of the entire system, the work must meet the new requirements. He explained the changes were intended to accommodate firefighters and their equipment, police and other public safety personnel.

Motion: It was moved by Ms. Golding and seconded by Ms. Hoffman, to remove the sign standard change to Section 34-444. Prohibited Signs.

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

Motion: It was moved by Ms. Dumont and seconded by Mr. Doherty, to amend Ordinance number 2020-8133 by revisiting the text of LDC Section 34-503 to delete reference to a staff recommendation for a concept plat applications and to correct a scrivener's error to correctly reference Section 34-503(6).

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

Mr. Mann clarified for Ms. Dumont the prohibition against posting an address for a home-based business in certain places was to comply with existing home occupation regulations. Mayor Latham reported there was pending State legislation to preempt municipalities from controlling home-based businesses at all in favor of some generic State guidelines.

Vote on the original motion (as amended):

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

Item #20-035 - ORDINANCE NO. 2020-8134 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8134 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 34, ARTICLE VIII, DIVISION 2, SECTION 34-406 FENCES, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; TO ADD A MAXIMUM HEIGHT RESTRICTION FOR FENCES ON RESIDENTIAL ZONED PROPERTIES FRONTING STATE ROAD A1A; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, AND 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. 2020-8134.
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.”

Mayor Latham, Mr. Nichols, Mr. Vogelsang, Ms. Hoffman, Mr. Doherty, and Ms. Golding disclosed they had no ex parte communication.

Ms. Dumont spoke with the original applicant (Whittle) from 3477 3rd Street South, Jacksonville Beach.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8134 amending Chapter 34 - Land Development Code Article VIII, Division 2, Section 34-406 Fences, to add a maximum height restriction for fences on Residential-zoned properties fronting State Road A1A.

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.”

Ms. Dumont had many concerns and wished to table the item. She recalled Council asking staff to research this issue but felt they had not, despite being provided copies of ordinances from surrounding communities.

Motion: It was moved by Ms. Dumont and seconded by Ms. Golding, to table this item until it could be researched and a more balanced argument made to the Planning Department.

Roll Call Vote: Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Mayor Latham
Nays – Vogelsang,
The motion to table the item passed 6-1

Mayor Latham stated the item would be tabled until the March 2, 2020, City Council meeting.

Item 20-036 ORDINANCE NO. 2020-8135 (First Reading)(Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8135 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 34, ARTICLE VII, DIVISION 2, SECTION 34-346 INDUSTRIAL DISTRICT: I-1, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; TO ADD MOBILE FOOD VENDORS TO PERMITTED USES IN INDUSTRIAL DISTRICT: I-1 ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, AND 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. 2020-8135.

Mr. Mann said staff had been approached by the VFW and a food truck vendor to address this. This ordinance expanded the areas of the City where someone could apply to be a mobile food vendor.

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, Ms. Dumont, Mr. Vogelsang, Mr. Doherty, and Ms. Golding disclosed they had no ex-parte communication.

Mr. Nichols spoke with the mobile food vendor.

Ms. Hoffman spoke with Walt Fanton from the VFW.

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.”

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8135, amending Chapter 34 of the Land Development Code Article VII, Division 2, Section 34-346, to add Mobile Food Vendors to the list of permitted uses in industrial I-1 zoning districts.

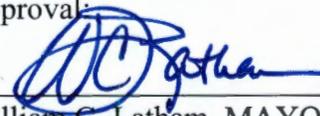
Roll Call Vote: Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:23 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: 3/2/20