

**Minutes of Regular City Council Meeting
held Monday, April 6, 2020, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



STATEMENT OF THE MAYOR:

Mayor Charlie Latham made the following statement:

“Pursuant to Governor Ron DeSantis’ Executive Order No. 20-69, issued on March 20, 2020, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location. They may utilize communications media technology (CMT) such as telephonic or video conferencing, and other technologies, as provided by Section 120.54(5)(b)2, Florida Statutes, to conduct the meeting and for public attendance and presentations at the meeting

Accordingly, due to the COVID-19 crisis, this City Council meeting is being held in a modified manner. We are using CMT pursuant to the Governor’s Orders in order to conduct City business and to help protect the public, City staff and Council health, safety, and welfare.

Additionally, pursuant to the Governor’s Orders pertaining to large gatherings and social distancing, and local orders of closure of government buildings, the public is not physically present in City Hall tonight.

In a moment, the City Attorney will explain the CMT procedures and adaptations for public attendance and public comment that have been put in place and being utilized.”

OPENING CEREMONIES:

Council Member Christine Hoffman provided the Invocation, followed by the salute to the flag.

Mayor Latham invited City Attorney Chris Ambrosio to explain the CMT procedures and adaptations put in place and being utilized for this meeting.

Mr. Ambrosio stated with all seven Council members present, no discussion about a quorum would be required. He read the following:

“The public notice that was advertised for this special, adaptive meeting informed the public of several alternative CMT options to attend this meeting and to submit public comment on a scheduled agenda item and comment for the courtesy of the floor portion of the meeting. The notice also informed the public of all the usual information that the City of Jacksonville Beach typically provides on its notice of public meetings.

With respect to public access and attendance accommodations, the City has provided CMT options that provide as follows:

- The public may attend the live meeting by utilizing the City of Jacksonville Beach YouTube Channel. The meeting notice provided the link to our channel.

The City has not selected a virtual platform at this point that requires the public to purchase or download any additional software or equipment to watch this meeting. So it was free for the public to log on to YouTube to view this meeting. Comments and chats are disabled.

- Another option was for the public to attend by listening live by audio using the phone by dialing 1-929-205-6099, and instructions were provided. When the meeting ID is requested, they were to enter 912336677 and press the # [pound] key. There was no participant ID # [pound] for them to utilize, and they would just press # [pound] to continue

on to listen. When dialing in by phone, the caller's line will be automatically muted for the duration of the meeting. The hearing or speech impaired should have contacted the agency using the Florida Relay Service, 1-800-955-8771 for TDD [Telecommunications Device for the Deaf] or 1-800-955-8770 for voice. All of this information was provided on the Public Notice and the City's website prior to tonight's meeting.

With respect to public comment accommodations, the City also provided several options to provide public comment on an agenda item or the Council's Courtesy of the Floor portion of this meeting.

- The public was notified of the option to submit their comments on an agenda item or public comment no later than one business day by U.S. mail to the City Clerk at City Hall, and the City Hall address was provided, or also to drop it off physically at the drop box at the main entrance of City Hall.
- The public was also provided notice of the option to utilize two other CMT options to submit comments via the email address cityclerk@jaxbchfl.net, and also utilize the City's online comment form located on the City's website under the section titled Agenda, Minutes, Audio Recordings and Live Stream Videos. The public was permitted to submit their comments on any agenda item or the Courtesy of the Floor portion. The email address and the online comment form are going to remain open during the meeting to accept comments and to be read into the record up until 5 minutes before any particular agenda item is addressed by the Chair. Public comments for Courtesy to the Floor will be received until 5 minutes before the Chair opens that portion of the meeting. Courtesy of the Floor was initially scheduled to be a maximum of 15 minutes.

Comments received through these CMT options will be read into the record by me, the City Attorney.

If an agenda item is being continued or rescheduled, the opportunity to be heard may be at such a later date before the City Council takes final action on that proposition.

For all public comments, the member of the public must provide his or her name, his or her address, and what item will be spoken about.

The City provided these instructions in its notice to the public and has published online on the City's website.

These public comment options established and provided for by the Governor in his emergency executive orders comply with Section 286.0114, and [Section] 120.54, Florida Statutes.

In conclusion, the City published an amended agenda, as well as included in the Notice to the Public pursuant to our Code and the Florida Statutes, each of the items and the topics that will be discussed tonight by the City Council during the meeting. Additionally, the public has been provided several options to provide public comment before and during the meeting, and within reasonable proximity in time before and during the meeting and the particular agenda items.

Section 286.0114(4)(c), Florida Statutes, specifically authorizes the City to prescribe procedures or forms for an individual to use in order to inform the Council of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition. The City, through its public comment options that I've described above, has provided different procedures and forms to indicate, among

other things, his or her support, opposition, and neutrality on items and topics to be discussed at the meeting tonight. The City provided information to the public on how to submit comments on its Notice and on a dedicated webpage.

With respect to designating a specific period of time for public comment, Florida Statutes [Section] 286.0114(4)(d), authorizes the City to designate that period.

All comments that were submitted by the public will be included as part of the public record for this meeting and will be considered by the City Council prior to any action taken. A video of this meeting may be requested at the Clerk's office or viewed online on YouTube."

CALL TO ORDER:

Mayor Latham called the meeting to order at 7:00 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, and City Clerk Laurie Scott.

APPROVAL OF MINUTES:

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

- Council Briefing held on March 2, 2020

Amended Motion: It was moved by Ms. Golding, seconded by Ms. Dumont, and passed unanimously, to amend the March 2, 2020, Council Briefing minutes to include in the discussion about the Deck the Chairs contract Ms. Hoffman had requested an accounting of the in-kind and hard contributions made by the City towards Deck the Charis.

Original Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, and passed unanimously to approve the minutes of the Council Briefing held on March 2, 2020, as amended.

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

- Regular Council Meeting held on March 2, 2020

ANNOUNCEMENTS:

Ms. Golding thanked City staff and everyone who is dealing with having to work from home and setting up the modified Council meeting, and the Police Department and first responders for ensuring everyone stays as safe and healthy as possible.

Mayor Latham thanked City staff, but also wanted to thank the citizens for bearing with the City while going through a difficult and unusual circumstance, adding "not in our lifetimes has anybody

suffered through a global pandemic before.” He stated they would move forward in good spirit and do the right things for the right reasons. Mayor Latham said he appreciated all the citizens' support. He is aware that not everybody is happy with some of the decisions but assured everyone all the decisions are based on what is best for the safety of the citizens.

COURTESY OF THE FLOOR TO VISITORS:

Mayor Latham extended Courtesy of the Floor to visitors. Whereby, Mr. Abrosio read submitted comments into the record [on file]:

- Casey Jones, 13150 Yamasi Trail, Jacksonville - “I would like to check on all the illegal lights that are on our shoreline at the beach? Has all the illegal parking lot lights (Endzone) been changed out yet? If not, what is the completion date? Any update on the new Sea Turtle Lighting Ordinance? Thank you for taking my questions.”

Mr. Ambrosio addressed Mr. Jones’ comments stating prior to the current crisis, he drafted a sea turtle lighting protection ordinance to bring before the Council. Items brought before Council had to be narrowed down due to the crisis.

- Dylan Silverman, no address provided - “Hi, I would like to submit a comment on the beach closures throughout the beaches of Jacksonville. I am concerned that the complete closure of the beaches is unwarranted and unwanted. Now I am completely in support of the social distancing guidelines such as individuals must be six feet apart and in a group no larger than ten. I think that following these guidelines should open up the beaches for exercise activity such as walking, running, swimming, and surfing. Thus, leaving the beach closed for all other activities. There are many other counties throughout the east coast, such as Brevard and Volusia, and they have obtained good results because of this. They say there might be some correlation to the virus being in sunlight and not being able to survive very long. This is something to seriously consider. Thank you for your time.”
- Stephen Fitzgerald, 1107 1st Street South, Unit K, Jacksonville Beach - “Mayor Latham, The following beach activities, restrictions, and fines should be implemented as soon as possible. I believe these changes will help reduce the spread of COVID-19. Public awareness, rational debate, and deepening concern for surrounding effects from this pandemic has caused other Florida counties to rethink total beach closers. Here are my thoughts: 1) Open the beach to healthy "movement" activities. Running, walking, surfing, biking, swimming. 2) No greater than 10 people together in one group. 3) All activities on the beach must abide by the 6-foot minimum personal distance. 4) Everyone on the beach must carry a valid picture ID card or will be told to leave the beach. Police Officers can randomly ask for IDs. 5) Police Officers have the authority to write tickets for violations. \$500 per violation. Thoughtful and judicious use of our beach will help pull people out of confined spaces where viruses tend to spread. It will also help to relieve dangerous peripheral effects we are now starting to experience, such as anxiety, depression, and physical decline. I believe the people of Jacksonville Beach will wholeheartedly embrace these beach rules and will successfully "self regulate" with the help of law enforcement. Let's start using the beach as a healthy tool in battling this virus.”

Due to technical issues – City Attorney re-read the above comments into the record.

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach - "I commend and appreciate the efforts of all those in leadership positions during this crisis, certainly a trying time for all. I would like to offer two suggestions to you, as an effort to assist citizens and community, in further dealing with the crisis. First, all health experts have said that testing, contact tracing, and following the prescribed guidelines are all essential to flattening the curve. I have been unable to find out who (or what specific agency) is in charge of the contact tracing protocol within our Beaches community. Can someone investigate and advise the community who is in charge of the contact tracing process, and the extent that process is being followed? Secondly, as the curve flattens and descends, no one knows the severity of the economy, or how long the normalization process will take before we begin to see our restaurant and hospitality network return. Per my email last week, in an effort to minimize the impacts of layoffs or closures within this network, I would recommend that community be provided a list of all local food establishments that offer carry out services, or whatever future limited services are required, so the community has a comprehensive list of where we can go to spend money at our local businesses. The list would need to require hours and days of operation as well. The responsibility of providing updated information can come from businesses as future situation changes. I would be glad to offer up any services you might need to help compile such a list. I believe it is incumbent for all of us to work together to help keep our locals employed and our businesses open. Thank you for all your efforts. Stay safe and stay healthy."

MAYOR AND CITY COUNCIL:

CITY MANAGER:

Item #20-073 – Accept/Reject the Monthly Financial Reports for the Month of February 2020

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to accept the monthly financial reports for the month of February 2020.

Discussion:

Ms. Dumont asked Chief Financial Officer Ashlie Gossett if she had any projections about what this pandemic impact would have on the third quarter. Ms. Gossett responded it is difficult at this time because we are currently in the middle of the pandemic, adding the March numbers haven't been finalized yet, and that would be the start of where we can see any changes. Ms. Gossett stated the sales tax revenue is given one month in arrears, and convention and development tax is given two months in arrears, so the City is a couple of months out from really feeling an impact from the current environment. A significant decline is expected and would be monitored closely.

Mr. Nichols requested an update on how the pandemic is affecting the golf course. Golf Course Facility Manager Bruce Mohler stated their numbers are really good and went over the safety measures being taken, including being one hundred percent touchless, booking tee times online, pay online, pay over the phone, no cups, no rakes, no scorecards, and carts being wiped down physically after each round.

Roll Call Vote: Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed 7-0.

Item #20-074 – Accept/Reject the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2019.

Mr. Staffopoulos explained every year, the City is required to have a consolidated annual financial report performed, also known as the CAFR. In previous years, the auditors would attend a briefing with the Council to present the process they use and the findings they had. With the shutdown of non-essential travel, the presentation would be done with the Council in the future when the auditors can come. The City received an unqualified audit opinion on the annual financial report. There were no major deficiencies in internal controls or compliance violations of any laws or regulations.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to accept the Comprehensive Annual Financial Report for the fiscal year ending September 30, 2019.

Discussion:

Ms. Dumont asked Ms. Gossett if there were any improvements to systems or processes that could be done based on the report. Ms. Gossett noted process improvements were recommended and would be implemented for bank reconciliations and work order closings.

Ms. Hoffman asked if any money was still due from the past two hurricanes. Ms. Gossett explained currently, the City has fully recovered from Hurricane Matthew, and there was less than one-tenth of the funds the City was eligible for still outstanding.

Roll Call Vote: Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham
The motion passed 7-0.

Item #20-075 – Approve/Disapprove the Assignment and Assumption of Commercial Lease Agreement of the Golf Course Restaurant Lease from Tee to Green Partners D/B/A Sand Trap Bar and Grill to Penman Hospitality LLC, D/B/A Sneakers on the Green

Mr. Staffopoulos explained the current tenants approached the City seeking to do an assignment of lease. The two parties voluntarily entered into the agreement. However, the City must first sign off on any assignment of lease.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve the Assignment and Assumption of Commercial Lease Agreement of the golf course restaurant lease from Tee to Green Partners LLC, doing business as Sand Trap Bar & Grill, to Penman Hospitality LLC, doing business as Sneakers on the Green, as described in the memorandum from the Golf Course Facility Manager dated March 6, 2020.

Ms. Golding asked if there was any food service provided in light of the current COVID-19 situation and if any rent adjustments were being considered. Mr. Mohler responded all chairs, tables, and other items had been removed from the outside. There is a food service window people can walk up to, the ability to order through the GPS in the carts would be activated, and everything is sprayed down after each transaction.

Mr. Staffopoulos stated there had been no discussion about lowering the rent. The tenant would finish out the initial lease term. When it is time to renegotiate the lease term, there may be concessions on both sides. He added the City has several leases throughout the city, including food service, the industrial park, and telecommunications. The City is beginning to hear from some businesses who are looking for rent relief, and an item would be brought before Council at a future briefing to discuss what some of the financial options are for the tenants.

Mr. Doherty would like some protections for the City to be included in future leases. Mr. Mohler stated it is something that would be looked at for the next lease. Mr. Ambrosio responded the City had discussed performance expectations and requirements provisions.

Mr. Ambrosio read the following comments into the record [on file]:

- Greg Pratt, Sneakers Sports Grille - "Thank you for considering Sneakers Sports Grille to operate the food and beverages at Jacksonville Beach Golf Club. Sneakers is and has been locally owned and operated for over 23 years. We hope to name our operation "Sneakers on the Green," and we feel that this opportunity could be very positive for the golfers, the city and our restaurant. Sneakers is uniquely qualified to be successful at this task given the close proximity to our full-service restaurant and all its resources, our large amount of highly qualified staff, our ability to buy and prep fresh food in bulk, our long term understanding of responsible alcohol sales and our comprehension of safe food service practices, will serve us well in this endeavor. Additionally, we feel that our restaurant will act as an asset for the golf course. We will work hand in hand with the course, to utilize our current location for large groups that can not be accommodated at the course. This will help the course in procuring much larger groups for tournaments as well as significantly helping our restaurant. We want to thank you for considering us, and we promise to work extremely hard to make you and the residents of Jacksonville Beach very proud."

Mr. Nichols noted small businesses have the opportunity to get small business loans, which would be forgiven, and asked staff to keep that in mind when discussing rent reduction.

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham
The motion passed 7-0.

Item #20-076 – Approve/Disapprove a One-Time Exception to the Special Events Policy to Allow the Great Atlantic Music Festival to Add One (1) Additional Day, June 14, 2020, to the Event Currently Scheduled on June 13, 2020

Mr. Staffopoulos explained Springing the Blues, one of the City's signature events, was canceled for April. Jax Beach Festivals, who produces Springing the Blues, also produces the Great Atlantic Music Festival. The promoter requested adding a second day be considered to have the event be the signature event for the year. It would require approval from the Council as this would be a one-time exception to the Special Events policy.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve a one-time exception to the Special Events policy to allow the Great Atlantic Music Festival to add one (1) additional day, June 14, 2020, to the event currently scheduled on June 13, 2020.

Mr. Doherty asked Police Chief Smith if adding an additional day would create any staffing issues. Chief Smith explained he didn't know what the impact would be because he didn't know what the dynamics would be coming out of the current crisis. He did not have a problem with the concept.

Mayor Latham stated he is not a proponent of extending festivals, but in this case, he believed it was warranted. It would have been the 30th Anniversary of Springing the Blues this year.

Discussion ensued about the process of bringing back events at the end of the current emergency event. Mr. Staffopolous stated the City is not in control of its own destiny. It would begin from at the federal level, then the state level, and finally, in unison with our neighboring cities, some restrictions would gradually be lifted. He further said the City could plan for future events, but there is the possibility future events would have to be canceled.

Mr. Vogelsang asked if there could be some administrative power in the vote to grant the city manager some authority, based on the governor's decision to re-open. Mr. Ambrosio responded the motion could be amended to give the city manager authority to make adjustments to the two-day event if the situation warrants in line with the City's Comprehensive Emergency Management Plan.

Amended Motion: It was moved by Mr. Vogelsang, and seconded by Mr. Doherty, to grant Mr. Staffopoulos the ability to determine whether a second day is permissible.

Discussion:

A lengthy discussion continued related to setting a date to evaluate conditions and the status of the lifting of restrictions prior to allowing the second day, as well as the financial implications to the producer and the City.

Mr. Vogelsang withdrew his amendment.

Amended Motion: It was moved by Mr. Vogelsang, and seconded by Mr. Doherty, that all restrictions be lifted at least three weeks prior to the scheduled event date, for the second date to go forward.

Discussion:

Council discussed several issues related to events already canceled were done in conjunction with the City of Jacksonville canceling their scheduled events based on the executive order; whether the City would be in a position to allow events; groups of any size being able to maintain social distancing; setting a specific date to decide if the event moves forward; the potential for City staff to be strained; and if the City is still under an emergency order, the amendment would allow the City Manager and Mayor authority to cancel any event.

Mr. Ambrosio explained setting a specific date may help the event producer when dealing with the many parties involved in such a large event on whether travel arrangements and business dealings move forward.

Mr. Staffopoulos clarified the state of emergency would have to be lifted at the state, county and city level.

Chief Smith suggested pushing this item off for two weeks due to the uncertainties. He was unable to advise the Council whether adding a second day to the event in June would affect the Police Department because he didn't have enough information.

Restated Motion: It was moved by Mr. Vogelsang, and seconded by Mr. Doherty, that the state of emergency must be lifted at least three weeks prior to the scheduled event for the second day to be approved.

Amended Motion:

Roll Call Vote: Ayes – Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, Mayor Latham
The amended motion passed 7-0.

Original Motion:

Roll Call Vote: Ayes –Nichols, Vogelsang, Doherty, Dumont, Golding, Hoffman, Mayor Latham
The original motion passed 7-0.

Item #20-080 – Approve/Disapprove a Motion to Allow a Variation of the Council Meetings Start Time of 7:00 P.M. as Set Forth in City Code Sec. 2-16, to Allow Earlier Start Times as Necessary During the Duration of the COVID-19 State of Emergency

Mr. Ambrosio explained the City's Code states the regular scheduled City Council meetings shall be held at 7:00 P.M. This item would allow the city manager, due to the state of emergency and previous meeting cancelations, to begin City Council meetings with a start time earlier than 7:00 P.M. to address the backup of work being postponed and additional work that would come up due to COVID-19. He suggested the motion also include the Council to authorize and direct the City Manager to implement CMT and virtual meetings consistent with the governor's orders for the duration of the COVID-19 emergency.

Motion: It was moved by Ms. Hoffman, and seconded by Mr. Vogelsang, to allow a variation of the Council meetings start time of 7:00 P.M. as set forth in City Code Sec. 2-16, to allow earlier start times as necessary during the duration of the COVID-19 state of emergency and to allow the City to utilize CMT and virtual technology in conducting the meetings consistent with the governor's executive orders during the COVID-19 crisis.

Questions from Council members were addressed. Mr. Ambrosio believed the change in meeting times might be in place for a couple of months. Mr. Staffopoulos explained he expected the next couple of Council meetings to start earlier and would try to hold the Briefings virtually on non-Council meeting Mondays. Mr. Ambrosio stated he could draft an ordinance in the future to amend that section of the code to include the meeting time change and use of CMT during any declared emergency, but this item addresses the current need.

Amended Motion: It was moved by Mr. Vogelsang, and seconded by Ms. Golding, that during a state of emergency, the City has the authority to change the start time of a meeting.

Council discussion continued. Mr. Ambrosio stated there needed to be two amended motions to address the meeting time change and the CMT individually properly.

The City Attorney stated the motion language to move to allow the city manager to schedule City Council meetings at a time other than 7:00 P.M.

The City Attorney stated the second amended motion language to allow the city manager to implement the use of CMT and virtual technology to conduct meetings and hearings when authorized by Florida law.

Ms. Dumont raised a point of order to advise there were two motions stated and the Council had only moved one, and they have to be voted on separately. Ms. Hoffman clarified the original motion included both the meeting time change and the use of CMT and virtual technology. She added Mr. Vogelsang's amendment removed COVID-19 and instead made it for any state of emergency. The original amendment needed to be voted on, and then the original motion can again be amended.

Mr. Vogelsang withdrew his amendment.

Amended Motion: It was moved by Mr. Vogelsang, and seconded by Mr. Doherty, to allow the City Manager, during a state of emergency, to change the times of the Council meetings and allow the use of CMT technology for hearings or briefings or meetings pursuant to Florida law.

Amended Motion:

Roll Call Vote: Ayes –Vogelsang, Doherty, Dumont, Golding, Hoffman, Nichols, Mayor Latham
The amended motion passed 7-0.

Original Motion:

Roll Call Vote: Ayes –Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The original motion passed 7-0.

RESOLUTIONS:

Item #20-077 – RESOLUTION NO. 2057-2020

Mayor Latham requested the City Clerk read Resolution No. 2057-2020 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TO TENTATIVELY APPROVE AMENDMENTS TO THE COASTAL MANAGEMENT ELEMENT OF THE 2030 COMPREHENSIVE PLAN AND ADOPT THE PERIL OF FLOOD REQUIREMENTS OF SECTION 163.3178(2)(f), FLORIDA STATUTES, ADDING NEW

OBJECTIVES AND POLICIES, AND AUTHORIZING TRANSMITTAL OF THE AMENDMENTS TO THE REVIEWING AGENCIES PURSUANT TO SECTION 163.3184(3)(b)1., FLORIDA STATUTES; AND SETTING AN EFFECTIVE DATE.”

Mr. Staffopoulos explained this resolution starts the process for a Comprehensive Plan amendment related to the “Peril of Flood” requirements of the Florida State Statutes. It started with a grant the City was awarded in September of 2019.

Director of Planning & Development Bill Mann explained the City was required to prepare amendments to address the 2015 Peril of Flood requirements that were amended in the Florida Statutes. Mr. Mann stated the City was awarded a \$45,000 grant by the Florida Department of Environmental Protection. The project was split into two phases, and Mr. Mann went over each phase and the requirements. A public workshop was held on December 19, 2019, to present the findings and obtain public input. A second public workshop was held on February 24, 2020, to discuss the amendments and obtain additional public input. Mr. Mann discussed potential policy options and impacts. The Planning Commission, at their March 9, 2020, meeting, unanimously recommended approval with one amendment, which Mr. Mann stated. If approved by Council, the proposed amendments would be sent to state agencies for their review and comment, and then brought back the Council for final adoption. Mr. Mann went over the proposed amendments.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Resolution No. 2057-2020 tentatively approving text amendments to the Jacksonville Beach 2030 Comprehensive Plan, related to the “Peril of Flood” requirements of Florida Statutes, and authorizing transmittal of the amended elements to the Florida Department of Economic Opportunity for review.

Discussion:

Ms. Golding stated she spoke with Kenneth Metcalf [with Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, the City’s consultant], about the report. She said while some information was posted on the City’s website, she would like all the maps to be posted for reference. In response to a question from Ms. Golding, Mr. Mann explained where the A-zones and V-zones are located and how the City doesn’t require but supports newer construction elevating the first habitable floor of a structure.

Public Hearing:

Mayor Latham asked Mr. Ambrosio if there were any public comments received for this item. Mr. Ambrosio indicated there were none.

Ms. Hoffman commented she was glad to see a good amount of vulnerable space was already conservation land and how she was surprised to find the most vulnerable property was on the west side of the city and not the east side by the coast. Mr. Mann explained there is a gradual rise going east from the beach at ten feet to the highest ridge of the city west at approximately twenty feet (near where Baptist Beaches hospital is located). Going from the highest point west, down to the edge of the Intracoastal, it goes from twenty feet down to five feet.

Mr. Mann responded to a question from Ms. Golding about a recent residential home development located in the vulnerable area by noting the development is already located in a flood zone and is in a Category 1 evacuation zone, meeting the current standards.

Mayor Latham stated the three beach cities recently sponsored a resiliency seminar at Fletcher High School. He was happy the City was taking steps to address sea rise.

Roll Call Vote: Ayes –Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham
The motion passed 7-0.

ORDINANCES:

Item #20-078 – ORDINANCE NO. 2020-8136 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8136 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 28, ARTICLE IV, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; REVISING ARTICLE IV TO BE CONSISTENT WITH AMENDMENTS TO SECTION 337.401, FLORIDA STATUTES ADOPTING REGULATIONS OF WIRELESS COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR LEGISLATIVE FINDINGS, SEVERABILITY, REPEAL OF CONFLICTS, AND AN EFFECTIVE DATE.

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its first reading. I will now open the public hearing on Ordinance No. 2020-8136.”

Public Hearing:

Mr. Ambrosio read the following comments into the record [on file]:

- Elizabeth Wright, 1024 21st Street North, Jacksonville Beach - “We ask that you impose a moratorium on "small cells" and other wireless infrastructure permits process and deployment until the COVID-19 emergency is over. The wireless providers are using the COVID-19 emergency as cover to expand and cement their rapid and virtually unsupervised deployment of harmful wireless infrastructure. Our local leaders should not have to dedicate time and resources to policing whether the wireless companies are following local and state law; they have far more important things to do. The FCC wireless permit rules allow emergency moratoria. Homeland Security guidelines emphasize that maintenance of existing communications capability is the priority. New construction is not essential. The COVID-19 emergency has led to a government shut down of non-essential activity. Hospitals, emergency response, and local officials are overwhelmed, and they must be allowed to focus on what is indeed “essential.” Now is not the time to be dedicating resources to expanding, rather than just maintaining our networks. The FCC has directly held a local jurisdiction can impose a temporary halt to deployment and permits during emergencies. In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers, FCC 18-111 33 FCC Red 7705, 7784-7785, section 157 of 2018 states, "We recognize that there may be limited situations in

the case of a natural disaster or other comparable emergency where an express or de facto moratoria that violates section 253(a) may nonetheless be necessary to protect the public safety and welfare or to ensure the continued quality of telecommunications services.” Homeland Security has declared that local government is on the forefront and can take control over determining whether to temporarily halt all non-essential activity. Homeland Security guidance documents prioritize maintenance of existing Communications Systems and do not support "essential" status for new construction. See Homeland Security Cybersecurity & Infrastructure Security Agency, Identifying Critical Infrastructure During COVID-19, and the website address of www.cisa.gov/identifying-critical-infrastructure-during-COVID-19, and she also provides, Ms. Wright also provides, e-Critical Infrastructure and Key Resources Support Annex, www.fema.gov/pdf/emergency/nrf/nrf-support-cikr.pdf “focus on protection, response, recovery, and restoration.” Homeland Security, like the FCC, understands that it is essential in an emergency situation to justify focusing on protecting, responding, recovering and restoring of existing systems, but new communications facilities construction is and should be deemed nonessential, and subject to lockdown for so long as we are under emergency conditions. Cities can and should impose a moratorium on deployment in their local area and freeze the permit process until the COVID-19 emergency is over.”

- Michele Langevin, 3688 Sanctuary Way South, Jacksonville Beach – Submitted identical comments as above.

Recess:

Mayor Latham called for a meeting recess at 8:59 P.M.

The meeting resumed at 9:07 P.M.

Mr. Ambrosio stated Florida Statutes dictate for the City to make the changes being made in this ordinance. Changes in the Florida law occurred in 2019, and the City is complying with the amendments and changes required. Approval of this ordinance does not authorize construction during COVID-19 but is an amendment to City code with respect to wireless communication facilities within the right-of-way.

Mayor Latham stated he engaged with the Florida League of Cities and Florida League of Mayors to fight this law in Tallahassee. There is nothing the City can do, and he would provide contact information for the legislators who made the decision to whoever wanted it.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8136 amending City Code Chapter 28, Article IV, to adopt new Florida Statute requirements, regulations and standards of wireless communications facilities within the public right-of-way.

Discussion:

Ms. Hoffman asked why the unresolved legal challenges to the state law wouldn't stop this from moving forward. Mr. Ambrosio responded the law moves forward until the court tells the state it is unconstitutional to enact the state law.

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham
The motion passed 7-0.

Item #20-079 - ORDINANCE NO. 2020-8138 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8138 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO CREATE A NEW SECTION 31-61 - PAID PARKING PROGRAM, IN CHAPTER 31 – TRAFFIC AND MOTOR VEHICLES, ARTICLE III - STOPPING, STANDING, AND PARKING, DIVISION 3 – PARKING REGULATIONS, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, TO CODIFY ELEMENTS OF THE CITY’S PAID PARKING PROGRAM IN CERTAIN CITY LOTS; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its first reading. I will now open the public hearing on Ordinance No. 2020-8138.”

Public Hearing:

Mr. Ambrosio stated no public comments had been received for this item.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve Ordinance No. 2020-8138 to create a new Section 31-61 of Chapter 31 of the City Code of Ordinances to codify elements of the City’s Paid Parking Program as enforceable local laws.

Mr. Ambrosio stated the ordinance is to enact the fees, processes, enforcement, and collection procedures of the Paid Parking Program.

Discussion:

Ms. Hoffman shared a concern about using the word “residential” rather than “resident” in the ordinance as it is not a residential paid parking program. Other Council members indicated they agreed.

Amended Motion: It was moved by Ms. Hoffman, and seconded by Mr. Doherty, to replace the word “residential” with “resident” in Section 31-61(1), and in two places in Section 31-61(3) c.

Amended Motion:

Roll Call Vote: Ayes –Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, Mayor Latham
The amended motion passed 7-0.

Original Motion:

Roll Call Vote: Ayes –Nichols, Vogelsang, Doherty, Dumont, Golding, Hoffman, Mayor Latham
The original motion passed 7-0, as amended.

ADJOURNMENT:

Prior to adjournment, Mayor Latham asked Mr. Ambrosio to address the City's emergency procedures.

Mr. Ambrosio stated the last time the Council met was March 2, 2020. Staff had been working day and night to protect the community and are working to keep up with the flurry of continuous changes from the national, state, and local level. There were many unforeseen issues departments and staff encountered dealing with internal City operations, and work that had to be adapted to the crisis while maintaining "normal" City operations and business. Mr. Ambrosio said staff is trying to keep City Council updated to the best of their ability. The City is operating under a declared state of emergency. The importance of a local declared state of emergency is it engages the Municipal Comprehensive Emergency Management Plan (MCEMP), as well as for Federal Emergency Management Agency (FEMA) and public assistance. Continuing to renew the declared state of emergency is also important for the same reasons. Mr. Staffopoulos is in control of the plan and works with Mayor Latham on a regular basis. The MCEMP would be amended and revised for necessary changes. Mr. Ambrosio stated Fire Marshal Steve Sciotto provides daily updates. All enforcement orders in place had been implemented for purposes of public health and safety. He recommended not making any changes to the current plan of action. The City is doing the right thing for the health, safety, and welfare of the public.

Ms. Hoffman appreciated the daily updates from the City Manager and asked to be informed about what is going on behind the scenes. She stated it was also important to continue to keep the citizens updated.

Mayor Latham wanted to clarify, based on emails being received by Council members, Jacksonville Beach is a public beach, and the City cannot exclude non-residents. There are penalties associated with limiting access to the beach for non-residents. As an example, Mayor Latham explained by providing residential parking, in what could be considered giving preferential treatment to Jacksonville Beach citizens, the City could lose money for beach renourishment. He was pleased the three Beaches mayors, and Jacksonville Mayor Lenny Curry had worked well together. Mayor Latham stressed the point these decisions started with the President, then the Governor, and then the local Mayors.

STATEMENT OF THE MAYOR:

Mayor Latham addressed closing the beach with the following points:

- Public safety is our primary responsibility.
- If we were to open the beach, we would see more people on the beach than ever before.
- We currently have enough lifeguards to staff four chairs. At the time the beach was closed, we needed 14.
- Not enough police officers to enforce those who ignore social distancing.
- While enforcing social distancing, we'd be exposing first responders to infected people or carriers.
- Social distancing is possible during low tide. It is not during high tide (1 - 2x/day).

- Young and healthy people have less to worry about, but they may inadvertently carry the virus to our elderly population (9% of Jax Beach residents are over 75).
- Kim Prather, a leading atmospheric chemist at the Scripps Institution of Oceanography, warns people to steer clear of the beach. The beach, in her estimation, is one of the most dangerous places to be these days. In her research, Prather has found that the ocean churns up all kinds of particulate and microscopic pathogens, and every time the ocean sneezes with a big wave or two, it sprays these particles into the air. She believes that this new coronavirus is light enough to float through the air much farther than we think. The six-foot physical distancing rule, she said, doesn't apply at the beach, where coastal winds can get quite strong and send viral particles soaring.

The bottom line is our primary responsibility as elected officials and staff is to protect our public, period. Recreation is a 3rd or 4th level priority. People can still walk, jog, bike, walk their dogs, without using the beach. Relaxing our safety posture at this time could potentially raise the level of infected residents (currently 25 positive, including two City employees), or the worst-case scenario is someone could die. Tony Boselli, one of the strongest and healthiest people in Jacksonville Beach, was in intensive care for five days with the virus, and according to the reporter, he was minutes from a ventilator before he began to improve. The British Prime Minister was diagnosed with the virus and hospitalized yesterday. Today he was moved into ICU. Country singer Joe Diffie was diagnosed with the virus last Friday [April 3, 2020] and he was immediately hospitalized, he died two days later at age 61.

This is a global pandemic the likes none of us has ever seen before. We are responsible to our citizens to provide the safest environment possible, and that's exactly what we are doing. Every decision made has been aligned with the President and the Governor, and were agreed to unanimously by myself, and Mayors Curry, Brown, and Glasser. We will continue to keep the beach closed until the dangerous pandemic has passed, or until there is clear scientific evidence it is safe for our citizens to go back.

Mr. Ambrosio read into the record comments from Captain Rob Emahiser, Jacksonville Beach Ocean Rescue [on file]:

"I recommend keeping the beaches closed for any use. Allowing uses as Volusia and Brevard are would bring very large crowds, which would be difficult to manage.

Some points that support this position:

1. Opening the beach for limited uses would require a crew of lifeguards and police to be on duty, increasing the risk of spread of the virus to our lifeguards and interactions with the public increasing the spread.
2. Opening the beach for limited uses would be very difficult to monitor and enforce. Enforcing social distancing while opening the beach with any conditions or specific allowed uses would be very difficult.
3. The current closure is being maintained and enforced effectively. Occasionally, people go on the beach, but when informed, comply with little problem.
4. Limited hours would mean making beachgoers leave and require interaction with those who push boundaries. Lifeguards and police would have to make judgments on how strictly to enforce times. Closed is clear and easy to interpret.

5. Residents only would mean checking proof of residency and frequent direct interaction. Closed to all is being accomplished by the presence of lifeguard and police vehicles with no direct interaction. We should let residents and visitors know that protecting them and our police and lifeguards is worth this inconvenience.”

Mayor Latham reiterated the beach would remain closed.

There being no further business, the meeting adjourned at 9:43 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: 20 APR 20

LS:sg