

**Minutes of Regular City Council Meeting
held Monday, December 4, 2017, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES

Council Member Buck gave the invocation, followed by the salute to the flag.

CALL TO ORDER

Mayor Latham called the meeting to order at 7:00 P.M.

ROLL CALL

Mayor: William C. Latham

Council Members: Lee Buck Keith Doherty Christine Hoffman (*absent*)
Bruce Thomason Phil Vogelsang Jeanell Wilson

Also present were City Manager George Forbes, Deputy City Manager Trish Roberts, Planning and Development Director Bill Mann, Fire Chief David Whitmill, Property and Procurement Officer Luis Flores, Director of Public Works Ty Edwards, City Clerk Laurie Scott, and Staff Assistant Mandy Murnane.

APPROVAL OF MINUTES

It was moved by Ms. Wilson, seconded by Mr. Doherty, and passed unanimously, to approve the following minutes:

- City Council Briefing held November 20, 2017
- Regular City Council Meeting held November 20, 2017

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

- Kevin Allan, Liveaboard Sailor in Jacksonville Beach, spoke regarding medicinal marijuana dispensaries in Jacksonville Beach.

MAYOR AND CITY COUNCIL

The Mayor introduced Christopher Smith, a 7th-grade student from Fletcher Middle School, who was present at the meeting to watch government in action.

CITY CLERK

CITY MANAGER

(a) Item #17-205 - Appointment of a Fifth Member to Serve on the General Employees' Retirement System Board of Trustees

Motion: It was moved by Ms. Wilson and seconded by Mr. Doherty, to reappoint Brandon Maresma to serve as a trustee as the fifth member on the General Employees' Retirement System Board, for a two-year term to expire December 31, 2019.

Discussion: After Mr. Forbes briefly reviewed the ministerial action, Mayor Latham requested a roll call vote.

Roll call vote: Ayes – Buck, Doherty, Thomason, Vogelsang, Wilson, and Mayor Latham.
The motion passed unanimously.

(b) Item #17-206 - Appointment for One Alternate Member to the Board of Adjustment

Motion: It was moved by Ms. Wilson and seconded by Mr. Doherty, to Nominate Lucas Snyder for appointment to the Board of Adjustment for a two-year term expiring on December 31, 2019.

Discussion: Mayor Latham called for a roll call vote, as there was no discussion on the agenda item.

Roll call vote: Ayes – Doherty, Thomason, Vogelsang, Wilson, Buck, and Mayor Latham.
The motion passed unanimously.

(c) Item #17-207 - Purchase a 2018 Rosenbauer Commander Rescue Pumper from the State Sheriff's Contract at a Cost of \$398,744 to Replace Our Current Squad 13, a 2001 Freightliner Commercial Pumper

Motion: It was moved by Ms. Wilson and seconded by Mr. Doherty, to approve the purchase of a 2018 Rosenbauer Commander Rescue Pumper from the State Sheriff's Contract as outlined in the memo by Chief David Whitmill dated November 29, 2017.

Discussion: Mr. Forbes said the purchase would replace Squad 13, the 2001 Central States/ Freightliner Commercial Chassis Pumper that is beginning to need extensive repairs. The pumper will be built and arrive within a year, whereupon Squad 13 will be sold for plus/minus \$18,000.

Fire Chief David Whitmill, reported the Pumper includes a one-year warranty.

Roll call vote: Ayes – Thomason, Vogelsang, Wilson, Buck, Doherty,
and Mayor Latham.
The motion passed unanimously.

(d) **Item #17-208 - Approve a Contract with Garland/DBS Inc. for Water Intrusion Repairs at the Community Services Center Facility Located at 850 6th Avenue South**

Motion: It was moved by Ms. Wilson and seconded by Mr. Doherty, to approve the contract with Garland/DBS, Inc. for water intrusion repairs at the Community Services Center facility as described in a memo from Luis F. Flores, Property and Procurement Officer, dated November 27, 2017.

Speakers:

- Lori Richards, 2315 Beach Boulevard, stated she was the Executive Director of BEAM and spoke in favor of the agenda item.

Discussion: Mr. Forbes reviewed the exterior building repairs needed to address water intrusion issues throughout the facility.

A discussion ensued regarding the repairs at the Community Services Center and the utilization of the property before, during and after the repairs, and consideration for a rate reduction for time lost for the use of workspaces. Mr. Forbes advised that as the rent was about half of the market rate and BEAM had free use of the adjacent lot; he did not believe a rent reduction was warranted.

Property and Procurement Officer, Luis Flores, stated the majority of the repairs would be on the exterior of the building, allowing for the continued use of the facility during the construction process, which is estimated to be three months.

Roll call vote: Ayes – Vogelsang, Wilson, Buck, Doherty, Thomason,
and Mayor Latham.
The motion passed unanimously.

(e) **Item #17-209 - Approve the Dedication to the City and Acceptance for Maintenance of the Public Infrastructure Improvements Constructed in Conjunction with the New Worship Facilities for the Church of Our Savior**

Motion: It was moved by Ms. Wilson and seconded by Mr. Doherty, to approve the dedication to the City and acceptance for maintenance of the public infrastructure improvements constructed in conjunction with the development of the *Church of Our Savior* property along Beach Boulevard as described in the memorandum from the Public Works Director dated November 9, 2017.

Discussion: Mr. Forbes provided a summary of the Church of Our Savior water and sewer line installation, and said the agenda item action requests acceptance of the project.

Roll call vote: Ayes - Wilson, Buck, Doherty, Thomason, Vogelsang,
and Mayor Latham.
The motion passed unanimously.

RESOLUTION:

(a) Item # 17-211 - RESOLUTION NO. 1997-2017

Mayor Latham requested that the City Clerk read Resolution No. 1997-2017, by title only, whereupon Ms. Scott read the following:

“A RESOLUTION AUTHORIZING THE CONSTRUCTION AND MAINTENANCE AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION DETAILING OWNERSHIP OF, AND RESPONSIBILITIES FOR THE COST, CONSTRUCTION, OPERATION, MAINTENANCE AND REPAIR OF, THE NEW BRIDGES AND ROADWAY APPROACHES AT 15TH AND 18TH AVENUES NORTH IN JACKSONVILLE BEACH, FLORIDA, AS PART OF THE DEPARTMENT'S STATE ROAD A1A DRAINAGE IMPROVEMENTS PROJECT, WITH FINANCIAL PROJECT NUMBER 436077-1-52-01.”

Motion: It was moved by Ms. Wilson and seconded by Mr. Doherty, to adopt Resolution 1997-2017, authorizing the Mayor and City Manager to execute with the Florida Department of Transportation, the Construction and Maintenance Agreement detailing ownership of, and responsibilities for the maintenance and repair of the new bridges and roadway approaches at 15th and 18th Avenues North.

Discussion: Mr. Forbes stated the Construction Maintenance Agreement with FDOT has an emphasis on rebuilding drainage channel improvements, beginning at 15th Avenue North and 18th Avenue North by spanning new channel bulkheads with new bridges. Though several concerns were brought to the attention of FDOT staff for changes in the agreement language, Mr. Forbes said the City's staff requests for changes continued to be disregarded and had to be escalated to the FDOT attorney, and, ultimately, to the District 2 Secretary-level.

Mr. Forbes explained that the FDOT is responsible to design and construct the bridges and roadway approaches at its expense, while the City is responsible for operating, maintaining, and repairing the bridges and the roadway approaches at its expense.

Mr. Forbes and the Director of Public Works, Ty Edwards, shared their concerns and challenged the following clauses in the agreement in particular:

11. IMPROVEMENTS & MODIFICATIONS

A. The FDOT may require the City to improve or modify the Improvement if the Department determines: (1) improvements or modifications are required by applicable Governmental Law; or (2) improvements or modifications are necessitated by the FDOT in the conduct of its business.

15. REMOVAL

A. *The FDOT may require the City to remove the Improvement and restore the Drainage Easement to such condition as required by the FDOT if the FDOT determines.*

Mr. Forbes said he doesn't know what the clause means [consequences of this clause are uncertain]. While meeting with the FDOT staff to address their concerns, the FDOT staff informed Mr. Forbes and Mr. Edwards that they would not change the language.

Mr. Forbes stated by acknowledging the agreement; it would ultimately allow for the award of twenty million dollars in stormwater improvements funded by the FDOT. He stated that while he did not agree with the contract language, it was a risk/reward situation. The risk of FDOT implementing these clauses was low, and the benefit of a 20 million dollar plus project was great.

Mayor Latham asked Mr. Forbes if the City Attorney had any feedback on the agreement.

Mr. Forbes confirmed the City Attorney had prior experience dealing with the FDOT and was aware of our concerns, however, he could not speak for the City Attorney.

Roll call vote: Ayes – Buck, Doherty, Thomason, Vogelsang, Wilson,
and Mayor Latham.
The motion passed unanimously.

(b) Item # 17-213 - Authorize the Utility Work by Highway Contractor Agreement with the FDOT to Relocate City Water & Sewer Utilities Infrastructure at 15th and 18th Avenues North, as Part of the FDOT A1A Drainage Project.

Motion: It was moved by Ms. Wilson and seconded by Mr. Doherty, to authorize the Mayor and City Manager to execute with the Florida Department of Transportation the Utility Work by Highway Contractor Agreement to relocate City water and sewer utilities infrastructure at 15th and 18th Avenues North, as part of the Department's State Road A1A Drainage Improvements Project, with Financial Project Number 436077-1-56-01.

Discussion: Mr. Forbes said the FDOT requires the City execution of the FDOT standard Utility Work by Highway Contractor Agreement, which authorizes the FDOT to utilize FDOT contractors to design and construct, at its expense, the relocation of City water and sewer utilities infrastructure as part of the FDOT A1A Drainage Improvements Project. He stated the City Council had already adopted a similar agreement for Beaches Energy Services.

Roll call vote: Ayes – Doherty, Thomason, Vogelsang, Wilson, Buck,
and Mayor Latham.
The motion passed unanimously.

ORDINANCE:

Item #17-212 - ORDINANCE NO. 2017-8099 (First Reading)

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8099, by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; ADOPTING REGULATIONS RELATED TO WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY; 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.”

Motion: It was moved by Ms. Wilson and seconded by Mr. Doherty, to adopt Ordinance Number 2017-8099, amending Article IV of Chapter 28 of the City Code of Ordinances regulating small wireless facilities in the public rights-of-way as explained in the memorandum from the Public Works Director dated November 27, 2017.

Discussion: Mr. Forbes provided a summary of the recent bill passed during the last state legislative session, which regulates the placing of utility poles in the City’s rights-of-way to support small wireless facilities.

The primary objective of the City Code update was divided into two parts for adoption:

1. The first part recommends adopting Ordinance 2017-8099, the subject of the agenda item memorandum.
2. The second part recommends amending the Land Development Code, which must be considered by the Planning Commission before being brought to the Council for consideration.

The adoption of regulations for small wireless facilities was recommended to manage the growth of wireless communications facilities within the city limits in the best interests of the public safety, health, and prudent land use, including the limited resource of rights-of-way.

Additionally, the Ordinance incorporates a state law required “shot-clock” timeline and a required pre-application meeting between the City and applicant.

Roll Call Vote: Ayes – Doherty, Thomason, Vogelsang, Wilson, Buck, and Mayor Latham.
The motion passed unanimously.

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ADJOURNMENT:

There being no further business, the meeting adjourned at 7:45 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: 12/18/2017