

**Minutes of Regular City Council Meeting
held Monday, August 1, 2016, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



OPENING CEREMONIES:

Council Member Wilson 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
 Bruce Thomason Phil Vogelsang Jeanell Wilson

Also present were City Manager George Forbes, and City Clerk Laurie Scott.

APPROVAL OF MINUTES

It was moved by Ms. Wilson, seconded by Ms. Hoffman, and passed unanimously, to approve the following minutes, as presented:

- Regular City Council Meeting held on July 18, 2016

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS:

Speakers:

- Jim Overby, 21 Burling Way, Jacksonville Beach, spoke regarding the speeding occurring on Osceola Avenue. He suggested buying a new speed radar trailer.
- Corinne Heller, 3346 Heron Drive North, Jacksonville Beach, spoke regarding police action while playing Pokémon Go in Oceanfront Park at 5th Avenue South. She stated there were people of all ages and genders playing this game when they were blocked from the park by the Police starting at nightfall.

- Mike Stang, 1020 19th Street North, Jacksonville Beach, spoke regarding the Jacksonville Beach Police Department being understaffed and overworked.
- Christopher Vedvick, 850 Holly Drive, Jacksonville Beach, discussed a proposal to establish the City of Jacksonville Beach as a Purple Heart City.

MAYOR AND CITY COUNCIL

(a) Item #16-420, Presentation of Proclamation to Christy Dziejicki

Mayor Latham read and presented a proclamation to Christy Dziejicki, owner of The Pita Pit, for being named 2016 Franchisee of the Year.

(b) Item #16-421, Employee of the Quarter Presentation

Mayor Latham read letters of appreciation for Johnnie O'Hara and Alissa Breitenstein and presented them with Employee of the Quarter pins.

CITY CLERK:

CITY MANAGER:

(a) Item#16-422, Appointment of a Second Alternate to the Planning Commission

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to nominate Ms. Margo Moehring to the Planning Commission as 2nd Alternate for a four-year term expiring December 31, 2019.

Mr. Forbes stated the City Council interviewed candidates, and Ms. Moehring is their recommendation to fill the position.

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

(b) Item#16-423, Appointment of Members and Alternates to the Board of Adjustment

Motion #1: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to nominate Scott Cummings for reappointment to the Board of Adjustment for a four-year term expiring December 31, 2019.

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

Motion #2: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to nominate Jeff Truhlar to the Board of Adjustment for a four-year term expiring December 31, 2019.

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

Motion #3: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to nominate Francis Reddington to fill the remainder of the term of the 1st Alternate expiring on January 31, 2017.

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

Motion #4: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to nominate Chase Sams as 2nd Alternate to the Board of Adjustment for a two-year term expiring on December 31, 2017.

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

(c) Item#16-424, Approval to Execute a Continuing Services Contract with USIS, Inc. in Response to RFP NO. 08-1516 Third-Party Administrator for Workers' Compensation Claims

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award RFP Number 08-1516, entitled Third-Party Administrator for Workers' Compensation Claims to *USIS, Inc.* for a period of five years with an option to renew for an additional two-year term, with the approval of the City Manager, as explained in the memorandum from the Director of Human Resources, dated July 21st, 2016.

Mr. Forbes explained the City is self-insured for workers' compensation claims up to \$150,000. The City utilizes a third party to administrate the claims. The City sent out Requests for Proposals for a new company and *USIS, Inc.* is recommended.

Mr. Thomason asked if the estimated cost of \$35,188 is for each year and if it will escalate. Mr. Forbes answered when all the proposals were reviewed, *USIS, Inc.* was the lowest and best proposal received. The cost in the contract is fixed for five years but will vary based on the number of hours required on our workers' compensation claims.

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

- (d) **Item #16-425, Award Unit Price Bid Number 1516-09, "Irrigation, Landscaping & Related Improvements Project (Parts A & B) on South Beach Parkway & Jacksonville Drive," to *Jax Utilities Management, Inc.*, and Authorize Construction Administration Services with the Project Design Firm, *Jones Edmunds***

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to Award Unit Price Bid Number 1516-09, "Irrigation, Landscaping & Related Improvements Project (Parts A & B) on South Beach Parkway & Jacksonville Drive," to *Jax Utilities Management, Inc.*, and authorize construction administration services with the project's design firm, *Jones Edmunds and Associates*, as explained in the memorandum from the Public Works Director dated July 22, 2016.

Mr. Forbes explained this project is for landscaping the medians and a new irrigation system along South Beach Parkway and Jacksonville Drive, which is Part A. Part B work involves construction of a pedestrian crosswalk at the intersection of South Beach Parkway and Riptide Boulevard for the safety of residents and school children crossing South Beach Parkway. The project includes the installation of pedestrian crossing signage, striping, and flashing yellow lights when someone pushes a button to cross the roadway. This project has been approved by the Community Redevelopment Agency. The funding will also come from the CRA.

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

RESOLUTIONS:

Item# 16-427, Resolution No. 1961-2016

Mayor Latham requested that the City Clerk read Resolution No. 1961-2016, by title only, whereupon Ms. Scott read the following:

A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AUTHORIZING THE EXTENSION OF AN INTERLOCAL AGREEMENT PROVIDING A FORMULA FOR THE DISTRIBUTION OF LOCAL OPTION GAS TAXES COLLECTED PURSUANT TO SECTION 336.025, FLORIDA STATUTES, BETWEEN THE CITY OF JACKSONVILLE AND OTHER MUNICIPALITIES WITHIN DUVAL COUNTY

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 1961-2016, which authorizes the Mayor and City Manager to execute an extension of the Interlocal Agreement for the distribution of local option gas taxes that is in substantial compliance with the attached agreement.

Mr. Forbes explained the one-cent gas tax is important because it is money that must be used to maintain the streets. All the beach cities entered into this agreement in 1985 with the City of Jacksonville using a population formula. The agreement will extend from September 1, 2016, through August 31, 2036.

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

ORDINANCES:

(a) Item #16-428, ORDINANCE NO. 2016-8074 (Second Reading)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8074 (Second Reading), by title only, whereupon Ms. Scott read the following:

AN ORDINANCE AMENDING CHAPTER 4, "ALCOHOLIC BEVERAGES", OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY AMENDING SECTION 4-2, "PROHIBITED HOURS OF SALE, CONSUMPTION, AND SERVICE", PROVIDING FOR 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 Ms. Hoffman, to adopt Ordinance No. 2016-8074, amending sections of 4-2, "Prohibited hours of sale, consumption, and service" of the Code of Ordinances of the City of Jacksonville Beach, Florida.

Mayor Latham reminded the audience this is the second reading of the ordinance. The first reading was passed at the last meeting on July 18, 2016.

Mr. Forbes stated he and Police Chief Pat Dooley held at least three separate meetings with restaurant and bar owners, on the proposed changes and the ordinance was discussed at the last Council meeting.

Mr. Vogelsang asked Chief Dooley if the tables and chairs had to be mounted in place as reported in the media. Chief Dooley answered that was not accurate. Mr. Vogelsang also asked if two tables could be moved together even if the diagram submitted

showed differently. Chief Dooley stated the tables could be moved together to accommodate restaurant customers.

Mr. Thomason commented he would like the media to do a better job of getting the facts straight before they report them. He received an email from a constituent who was under the impression the tables and chairs would have to be bolted to the floor.

Ms. Wilson stated that her concern is the monitoring of the tables and chairs. She added that the ordinance states the tables must remain upright and in place as per diagram submitted and therefore cannot be moved. She asked if that language could be deleted.

Mr. Thomason advised courts look at the intent of the law. The intent is not to prevent a group of people who know each other from moving two tables together to share a meal.

Mr. Vogelsang agreed with Mr. Thomason that this is not to prevent people from moving tables that have a large party.

Mr. Forbes added that it is important that the language remain to accomplish the purpose of the ordinance.

Mr. Doherty abstained from the voting of Ordinance Numbers 2016-8074, 2016-8075, and 2016-8076. Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, is attached.

Roll call vote: Ayes – Hoffman, Thomason, Vogelsang, Buck, and Mayor Latham.

Nays – Wilson.

Abstain – Doherty.

The motion carried.

(b) Item #16-429, ORDINANCE NO. 2016-8075 (Second Reading)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8075 (Second Reading), by title only, whereupon Ms. Scott read the following:

AN ORDINANCE AMENDING CHAPTER 4 “ALCOHOLIC BEVERAGES”, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY AMENDING SECTION 4-5 “TEMPORARY EXTENSION OF LICENSED PREMISES”, 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 Ms. Hoffman, to adopt Ordinance No. 2016-8075, amending specified sections of Chapter 4, Section 4-5, "Temporary Extension of Premises."

Roll call vote: Ayes – Thomason, Vogelsang, Wilson, Buck, Hoffman, and Mayor Latham.

Abstain – Doherty.

The motion carried.

(c) Item #16-430, ORDINANCE NO. 2016-8076 (Second Reading)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8076 (Second Reading), by title only, whereupon Ms. Scott read the following:

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; CREATING A NEW SECTION OF CHAPTER 4 ALCOHOLIC BEVERAGES; CREATING LANGUAGE AND PROVIDING FOR SEVERABILITY OF ALL SECTIONS OF CHAPTER 4 PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2016-8076, which creates a new section of Chapter 4, Section 4-6, "Severability."

Roll call vote: Ayes – Vogelsang, Wilson, Buck, Hoffman, Thomason, and Mayor Latham.

Abstain – Doherty.

The motion carried.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:47 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date:

8/15/16

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, KEITH O'HEERY, hereby disclose that on JULY 18TH, 20 16:

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____ by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

THE VOTE ESTABLISHED RULES GOVERNING THE SALE OF ALCOHOLIC BEVERAGES. I AM CONCERNED THAT THERE MAY BE A PERCEIVED CONFLICT GIVEN THAT I AM IN THE EMPLOYMENT OF A BUSINESS WHICH SERVES ALCOHOLIC BEVERAGES.

I ABSTAINED FROM THE FOLLOWING ORDINANCES

8/1/2016

**2016-8074 / 2ND
2016-8075 / 2ND
2016-8076 INC.**



Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.