

**Minutes of Regular City Council Meeting
held Tuesday, September 6, 2016, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



OPENING CEREMONIES:

Council Member Wilson opened the meeting with the invocation and a special acknowledgment for Building Official Jon Hays and his family, 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 (*absent*) 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:

- City Council Budget Workshop held on August 2, 2016
- City Council Budget Workshop held on August 8, 2016
- City Council Budget Workshop held on August 9, 2016
- City Council Workshop held on August 15, 2016
- Regular City Council Meeting held on August 15, 2016

ANNOUNCEMENTS:

COURTESY OF THE FLOOR TO VISITORS:

Speaker:

- JoAnn Orlando, 2203 Twin Pines Circle North, Jacksonville, stated she had concerns with the removal of mature trees from her brother's grave at H. Warren Smith Cemetery and would like them replaced.

MAYOR AND CITY COUNCIL

Item #16-450 Presentation of Proclamation to Jennifer Johnson

This agenda item was postponed. The recipient was out of town.

CITY CLERK:

CITY MANAGER:

- (a) **Item #16-451, Appoint Angela Mathews Gale as the City's Special Magistrate and Laura Boeckman as an Alternate Special Magistrate**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to appoint Angela Mathews Gale as the City's Special Magistrate and Laura Boeckman as an Alternate Special Magistrate and authorize the Mayor and City Manager to execute a Special Magistrate Agreement with these individuals.

Mr. Forbes introduced Angela Mathews Gale. Ms. Gale stated she was looking forward to serving the City.

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

- (b) **Item #16-452, Appointment of One Member to the Community Redevelopment Agency**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to nominate Art Graham to the Community Redevelopment Agency to fill the four-year term expiring December 31, 2019.

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

- (c) **Item #16-453, Appoint a Chair and Vice Chair for the Community Redevelopment Agency**

Motion #1: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to nominate Frances Povloski for the Chair of the Community Redevelopment Agency.

Motion #2: It was moved by Mayor Latham and seconded by Mr. Doherty, to nominate Art Graham for the Chair of the Community Redevelopment Agency.

Roll call vote: Art Graham: Hoffman, Thomason, Buck, Doherty, and Mayor Latham.
Frances Povloski: Wilson

By a 5-1 vote, Art Graham was voted Chair of the Community Redevelopment Agency.

Motion #3: It was moved by Ms. Wilson, seconded by Mr. Thomason, and passed unanimously, to nominate Frances Povloski for the Vice Chair of the Community Redevelopment Agency.

- (d) **Item #16-454, Approve a Draw from the Federal Equitable Sharing Fund for Police Officer Overtime Expenses for Crime Prevention and Community Relations Programs**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve a draw of \$17,100 from the Federal Equitable Sharing Fund to expend as described in an August 18, 2016, memorandum from Police Chief Patrick K. Dooley entitled, "Draw from Federal Equitable Sharing Fund for Police Officer Overtime for Crime Prevention and Community Relation Programs."

Mr. Forbes explained that this item and Agenda Item #16-455 involve seizure monies from arrests that are made. They may be federal or state funds. The funds are used for crime prevention programs. The state-funded program includes a part-time police volunteer coordinator.

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

- (e) **Item #16-455, Approve a Draw from the Law Enforcement Trust Fund for Equipment and Related Expenses for Ongoing Crime Prevention and Community Relations Programs, and a Part-Time Police Volunteer Coordinator**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve a draw of \$35,358 from the Law Enforcement Trust Fund to expend as described in an August 17, 2016, memorandum from the Police Chief Patrick K. Dooley entitled, "Draw from Law Enforcement Trust Fund for Crime Prevention Programs and Continued Funding for Part-time Police Volunteer Coordinator."

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

(f) Item #16-456, Approval of Five-Year Agreement to Produce an Annual Holiday Event with Deck the Chairs

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve a five-year agreement dated September 6, 2016, with Deck the Chairs to produce an annual holiday event.

Mr. Forbes explained there was a workshop held on August 15, 2016, regarding this issue. Deck the Chairs has asked the City for a five-year agreement due to the significant resources being put into the event. The agreement includes an 180-day cancellation notice by either party. In the agreement, the City agrees to:

- Reserve Latham Plaza and the Seawalk on specified dates;
- Waive facility rental fees;
- Provide utilities.

Deck the Chairs agrees to:

- Produce an annual holiday event;
- Seek additional sponsors and financial support for the event;
- Pay for costs of the event such as security, materials, and equipment storage, electrician costs, fencing and clean-up services;
- Obtain necessary permits and provide liability insurance.

Kurtis Loftus, 1948 Horn Street, Jacksonville Beach, stated over the last four years, they have generated revenue for their beneficiary, Jacksonville Beach Volunteer Life Saving Corps. There are over 90 individuals and companies committed to the event. This year will include an animated light show.

Speakers:

Bill Stevens, 733 2nd Avenue North, Jacksonville Beach, stated Greg Pratt, of Sneakers Restaurant, 111 Beach Boulevard, Jacksonville Beach, could not attend and asked if Mr. Stevens would read a text from him in support of the event. Mr. Stevens is also in support of the Deck the Chairs event. As a business owner located near the event, he is hoping to expand the decorations to their business area.

Mick DuRocher, 41 Millie Drive, Jacksonville Beach, stated the event is a great event to support the lifeguards. He added that any Council Member having a vested interest in the Seawalk Pavilion in promoting their own events should consider recusing themselves from the vote. He also questioned waiving of fees for certain events. He suggested giving the funds directly to the lifeguards.

Trey Phillips, 934 10th Street North, Jacksonville Beach, stated he is in support of Deck the Chairs. He has been involved as a volunteer and requested the City Council approve the five-year agreement.

Duggan Harrison, 1602 Seabreeze Avenue, Jacksonville Beach, stated he is in support of Deck the Chairs. He is a retired member of the Life Saving Corps.

Sam Hall, 404 3rd Avenue North, Jacksonville Beach, stated his support of Deck the Chairs. He is a member of the Rotary Club that has an entry in the event. He commented that Deck the Chairs is a family-friendly event and is good for the local businesses.

The following are in support of Deck the Chairs, but did not wish to speak:

Tom Spowell, 99 Voyager Court, Ponte Vedra Beach.

Kirsten Loftus, 1948 Horn Street, Jacksonville Beach.

Margaret Loftus, 1948 Horn Street, Jacksonville Beach.

Sue Glawe, 217 17th Street North, Jacksonville Beach.

Rick Glawe, 1903 3rd Street, Jacksonville Beach.

Jim Lucas, 341 6th Street, Atlantic Beach.

Roberta Lucas, 341 6th Street, Atlantic Beach.

Mary Q. Shalz, 3600 3rd Street South, Jacksonville Beach.

Discussion:

Mr. Doherty stated his support of Deck the Chairs. He questioned the conflict with the contract with the City that may arise if Kurtis Loftus is elected to City Council.

Susan Erdelyi, City Attorney, answered that right now there is no conflict. She stated there are a variety of options that could occur. She further explained, if one of you [Council Member] were to promote this, we would have a definite problem because you were voting on something you were promoting. The issues would be addressed if they do occur and currently there is no ethical concern with Mr. Loftus because he is not on the City Council. If he is elected and benefitting personally, then he may want to divest his interest in the organization or decide not to be a Council Member. The contract has a provision that either party can exit the contract within a certain notice period and if any provision of the contract was found to be illegal, then the contract could be voided. There are answers to all of those issues.

Mr. Thomason pointed out on Page 1, Paragraph 6 of the agreement, it should say "The term of this Agreement shall commence on the 6th day of September," not the 1st day of September. Mr. Forbes also added that on Page 2, #10, it should read July 1, not June 30.

Motion: It was moved by Ms. Wilson, seconded by Ms. Hoffman, and passed unanimously, to correct the agreement as mentioned.

Ms. Wilson stated her support for the event. She also stated there was a dual purpose for the event. It benefits the lifeguards and also brings a family-friendly event to the

community. She has concerns with the length of the contract, and would prefer a shorter term, but the 180-day cancellation notice offsets those concerns.

Mr. Buck stated his support for the event.

Ms. Hoffman also stated her support of the event. She questioned Mr. Loftus about the security plan and the costs.

Mr. Loftus answered that in 2015, Deck the Chairs backed off using local law enforcement and used other resources. Last year, the City only monitored the event and the crowds.

Commander Mark Evans stated that for the first two years, the City police officers were assigned and paid for from the Police Department budget. The third year, City police officers developed a schedule based on a number of visitors and issues that had arisen previously. The police officers were not assigned to the specific areas but were on regular patrol. Mr. Loftus stated the plan is to focus on weekends and late night coverage.

Ms. Hoffman questioned the need for a five-year agreement. Mr. Loftus answered that the Deck the Chairs organization completed a five-year strategic plan and are asking the City for five years to coincide with that plan.

Ms. Hoffman asked if the organization would be back in five years without an agreement or would it make more sense to have a rolling agreement that extends each year to guarantee sponsors. Mr. Loftus stated the way the agreement is written; there is flexibility, and he is satisfied with the five-year agreement.

Mr. Forbes commented that the agreement states Deck the Chairs is responsible for the security. Downtown C.A.P.E. officers will patrol the area and work with the organization, but Deck the Chairs is responsible for the security not the City of Jacksonville Beach Police Department.

Mr. Thomason agreed with Ms. Wilson that if there are any issues, on both sides, or Deck the Chairs is not living up to the terms of the agreement, the City has the option of backing away from the agreement at any point in time. With that written into the agreement, it resolves any potential problems that may arise.

Mayor Latham stated the five-year agreement is sound and guarantees a trend to move forward to meet those five-year commitments.

Mr. Doherty questioned Ms. Erdelyi asking if there would there be a conflict of interest if he voted on this item. Ms. Erdelyi answered she was not allowed to tell him if there was a conflict of interest but if he felt there was, then he needed to articulate that and fill out the recusal form. She asked if he was benefitting financially,

or if he had family members that worked for the Deck the Chairs organization. He answered no and Ms. Erdelyi stated that answered his question.

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

(g) Item # 16-457, Approval of Partial Funding for an Animated Musical Light Display for Deck the Chairs

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to consider Deck the Chairs' funding request of \$9,100 for the purchase of an animated musical light display for Deck the Chairs.

Mr. Forbes stated Deck the Chairs is considering having an animated musical light display. A video of the proposed light display was presented. [video link on file]

Mr. Forbes explained the cost is \$18,125. Mr. Loftus is asking the City to pay for half the cost. Deck the Chairs is purchasing digital lights that can be programmed allowing the tree to become animated and the lights will be in sync with the music.

Ms. Wilson asked would it be possible to get a signature sponsor to pay this amount to have their name on it. Mr. Loftus answered that this light show is new, and no one has ever sponsored a light show.

Ms. Wilson questioned if the lights would belong to the City. Mr. Forbes stated his recommendation is for the Deck the Chairs to own the lights, not the City.

Mr. Thomason asked if a "yes" vote would include the recommendation for Deck the Chairs to own the light show. Mr. Forbes answered the motion should make that clear.

Amended Motion #1: It was moved by Mr. Thomason and seconded by Mr. Buck, to approve a funding request of \$9,100 to Deck the Chairs for the purchase of an animated musical light display for Deck the Chairs and that Deck the Chairs will own the light display.

Amended Motion #2: It was moved by Ms. Wilson to approve half of the \$9,100. The motion failed for lack of a second.

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

(h) Item # 16-459, Award Bid No. 1516-17 Switch and Motor Operating Mechanisms to the Lowest Responsive Bidder, Gresco Utility Supply, Inc.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Bid Number 1516-17, titled Switch and Motor Operating Mechanisms to the lowest responsive bidder, Gresco Utility Supply, Inc., as explained in the memorandum from the Director of Beaches Energy Services dated August 22nd, 2016.

Mr. Forbes explained the City is making major efforts to rebuild the electric substations. This bid is to replace eight switch and motor operating mechanisms for the Beaches Energy Services Sampson substation, the major electric substation for the City.

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

RESOLUTIONS:

ORDINANCES:

(a) Item #16-460, ORDINANCE NO. 2016-8078 (Second Reading)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8078 (Second Reading), by title only, whereupon Ms. Scott read the following:

AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT; PUD ORDINANCE NO. 2013-8026, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND PLAN FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY. (Amends the Ordinance to allow two additional signs for the BluWater Apartments located on the north side of Beach Boulevard, between 6th Street North and 9th Street North)

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2016-8078, as amended, amending Ordinance No. 2013-8026, governing the BluWater multifamily Planned Unit Development to authorize two additional project identification wall signs on the main building on Parcel A.

Mr. Forbes explained there was a discussion at the first reading two weeks ago. This is the second reading. There are two proposed signs. There will be one wall sign installed above the entrance to the leasing office facing Beach Boulevard and will be illuminated. The other sign will be installed above the entrance to the parking garage facing 8th Street North and will not be illuminated. The signs are smaller than the wall signs approved by the Planning Commission.

Speaker:

Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach, stated he opposes the procedure in which this came about. It was not presented to the City Council the way the Planning Commission approved it. He does not believe it is the proper protocol. He stated the application should be resubmitted for review to the Planning Commission.

Discussion:

Mayor Latham read a portion of the letter [on file] from Georgette Dumont, Planning Commission member, supporting the changes since Planning Commission approval as long as the sign above the parking garage is not illuminated.

Mayor Latham commented that the Planning Commission is appointed to provide recommendations to the City Council. The City Council, as elected officials, receive their input and make a decision based on all the factors submitted to the City Council.

Ms. Wilson stated she had concerns regarding the illuminated sign on Beach Boulevard being a detriment as it would shine in the windows of some of the apartments.

Mr. Thomason stated he voted no on the first reading. He does have a concern approving an ordinance that is contrary to what another Board has already approved. However, the applicant is not asking for more than what was approved but is asking for less. Both signs are smaller than on the original application that was approved, and only one sign will be illuminated.

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

Findings of Fact: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the Findings of Fact for Ordinance No. 2016-8078 dated September 6, 2016.

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

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:33 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date:

9/19/16