

**Minutes of Regular City Council Meeting  
held Monday, September 19, 2016, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> 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  
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:

- Special Council Meeting held on September 6, 2016
- Regular City Council Meeting held on September 6, 2016
- Special Council Meeting held on September 12, 2016

**ANNOUNCEMENTS:**

City Manager George Forbes presented and read several social media posts thanking Beaches Energy Service crews. They traveled to the City of Tallahassee to help repair the damage to their electric systems following Hurricane Hermine.

**COURTESY OF THE FLOOR TO VISITORS:**

**Speaker:**

- James Sorrell, 1410 Pinewood Road, Jacksonville Beach, requested more information regarding agenda items from other City Boards be posted on the City's website. It would make it easier for the citizens to be prepared when attending the meetings and help the citizens to understand how the City Boards function.

**MAYOR AND CITY COUNCIL**

**CITY CLERK:**

**CITY MANAGER:**

- (a) **Item #16-464, Accept the Monthly Financial Reports for the Month of August 2016**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, and passed unanimously, to accept the monthly financial reports for the month of August 2016, as submitted by the Chief Financial Officer.

- (b) **Item #16-465, Approve the Sea & Sky Air Show Special Event Permit**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the Sea & Sky Air Show as described in a memo from the Chief of Police dated September 11, 2016.

Police Chief Pat Dooley stated the air show will be held on November 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup>, 2016. He reviewed the plans for the Sea & Sky Spectacular Air Show event [slides on file]. He discussed the logistics, safety and security, staging areas, transportation, food/beverage/alcohol vendor locations, event production and hours, road closures, publicity, manpower and pedestrian safety. He reported that bicycles and skateboards would not be permitted in the event area.

Mr. Doherty asked about the delivery schedule during the three days. Chief Dooley answered they were asking for no deliveries to be made between the hours of 8:30 A.M. and 5:00 P.M. in order to keep commercial vehicles out of the event area.

Mr. Thomason asked if the number of support personnel would be the same as past years. Chief Dooley confirmed it would be the same level of service.

Mr. Thomason asked if motorized skateboards would be allowed. Chief Dooley answered that no skateboards of any kind or scooters would be permitted in the event area.

Mr. Vogelsang asked Mr. Forbes about the monetary value from vendor and beer sales. Mr. Forbes answered the City of Jacksonville Beach does not get any monetary value from those sales. Chief Dooley added the City of Jacksonville coordinates with the vendors. The City of Jacksonville Beach provides location and security.

Ms. Wilson inquired about the shuttle service and who runs the system. Chief Dooley stated the City of Jacksonville is responsible for that service.

Commander Scott Campbell, Air Operations Officer, Naval Station Mayport, reported that the Mayport runway is under construction so the aircraft will be flying in from NAS Jacksonville for the air show.

Mayor Latham asked Mr. Forbes if the City of Jacksonville Beach will post on the website about bicycles and skateboards being prohibited in the inner perimeter. Chief Dooley answered it would be on the website for the event and posted at the entrances.

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

**(c) Item #16-477, Approval of Jacksonville Symphony as a City-Sponsored Special Event**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the Jacksonville Symphony as a City-sponsored special event.

Mr. Forbes stated the Jacksonville Symphony would like to perform a free concert for one hour at the SeaWalk Pavilion on Friday, October 7, 2016, beginning at 8 P.M. The Symphony will pay the costs of their employees and production costs. By sponsoring the event, the City will waive the facility rental fee.

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

**(d) Item #16-466, Approve the Attached Negotiated Settlement Between the City of Jacksonville Beach and Brothers Five of Jacksonville, a Florida General Partnership and Duval Royal Investments, Inc**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve and authorize the Mayor and City Manager to sign the attached Settlement Agreement and to pay the settlement from the General Liability Fund.

Mr. Forbes explained this settlement agreement is due to a lawsuit received about the Sign Code due to a 2015 Supreme Court decision regarding content neutral and temporary signs. There was also a dispute regarding the Burger King pole sign. This is a global settlement for five lawsuits. The important components of the settlement require:

- The former Burger King pole sign will be removed no later than December 31, 2016. [They can use the sign until December 31, 2016.]
- All lawsuits will be dismissed with prejudice.
- The City will pay to Brothers Five of Florida and Duval Royal a total of \$6,000 and waive any fines.
- Each party shall pay its own attorneys' fees.

Mr. Forbes pointed out on Page 6, Paragraph 7, of the settlement agreement, the second line should read "human sign wavers." Also, on Page 7, the third line of the second paragraph should read "any and all code enforcement fines."

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

(e) **Item #16-467, Authorize the Mayor and City Manager to Execute a Cost-Share Agreement with St. Johns River Water Management District for a Grant in the Amount of \$84,517 to Pay for One-third of the Estimated Cost of the Project to Extend the City's Sanitary Sewer System Along the Private Portion of Hopson Road**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize the Mayor and City Manager to execute the agreement with the St. Johns River Water Management District for the thirty-three percent cost-share grant of \$84,517 to extend the sanitary sewer system along the private portion of Hopson Road, as described in the memorandum from the Public Works Director dated September 9, 2016.

Mr. Forbes stated there is an area along Hopson Road where there is no City water or sewer available. A grant was received from the St. Johns River Management District to pay for one-third of the cost of extending the City sewer system. At the same time, there will also be a water line installed. It is a private road and the City will need to get an easement from the property owners to allow the water and sewer lines to be installed. The City will be special assessing the property owners for part of the cost of the water and sewer lines and that will be sent to the City Council for their approval.

Mr. Forbes explained that the grant states the project must be completed by September 30, 2017 and construction should begin by June 30, 2017.

Ty Edwards, Public Works Director, added the project design is being performed in-house. He also stated the City has spoken with several of the property owners regarding the project.

Ms. Wilson asked if once the main water line is installed would the residents be required to connect to the line. Mr. Forbes answered it is mandated by City Code that the property owner has to connect if they are within a certain distance to the line. He commented that this extension is adding fire protection that was not there before.

Mr. Vogelsang asked about the project design cost. Mr. Edwards answered it was being performed in-house by City staff. Mr. Vogelsang suggested there should be discussion regarding the special assessment costs up front before spending time and effort in designing it if the property owners are not willing to agree.

Mr. Thomason asked at what point are the property owners notified that the City is in the process of making this project happen. Mr. Edwards answered once the design is finished and there is a better idea of the engineering estimate, then the property owners will be contacted.

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

**(f) Item #16-468, Approve the Purchase of a Hyper-converged Blade Center and Storage Area Network from CDW for \$498,180 Based on Pricing from the State of Florida Contract**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the purchase of a hyper-converged Blade Center and Storage Area Network from CDW for \$498,180 based on pricing from the State of Florida Contract, as described in the memorandum from the Chief Financial Officer dated September 8, 2016.

Mr. Forbes explained the City is in the process of purchasing a new Enterprise Resource Planning system. Our current servers and storage are at maximum capacity and will not be able to fully support the capabilities of the new Enterprise Resource Planning system. The purchase of servers and storage will address the immediate need for additional capacity and storage, enable full system functionality from the start, and reduce costs associated with multiple implementations.

This price is for two systems, a primary and a backup. The primary system will be located on-site while the backup system will be located at the City's disaster recovery site in Jacksonville.

Mr. Buck asked about adding costs for potential change orders. Mr. Forbes answered that usually occurs in construction projects and this is a straight purchase from a State of Florida contract.

Ms. Wilson asked if there is an annual renewal or license fee. Mr. Forbes replied there will be renewal fees for the software licenses.

Karen Nelson, Chief Financial Officer, commented that this purchase is for the hardware only.

Mr. Doherty asked if there is a warranty for this hardware. Ms. Nelson answered it has a five-year warranty.

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

**(g) Item # 16-469, Approval to Execute a 2-Year Contract with TC Delivers Pursuant to RFP No. 09-1516 for Mail Pick Up and Insert Services**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve a 2-year contract with TC Delivers for mail pick up and insert services, effective October 1, 2016, as described in the memorandum from the Chief Financial Officer dated September 8, 2016.

Mr. Forbes explained that the City's mail is taken to the main Post Office in Jacksonville. The local Post Office does not accept bulk mail. The City has a high volume production inserter machine to fold and insert bills. That machine was purchased in 2008 and spare parts are no longer available. A Utility Billing employee transports the mail daily to the main Post Office.

The purpose of this RFP was to contract with a qualified vendor that specializes in automated mail processing services to pick up mail, fold, insert and deliver it to the United States Post Office. The City currently process between 500 and 3,000 mailings each day.

Ms. Wilson asked if there would be a decrease in staff due to the automated service. Mr. Forbes responded there would not be a decrease in staff.

Mr. Doherty asked if there are plans to encourage customers to go digital with their utility billing. Mr. Forbes explained the City has emphasized Ebills for two years and progress is being made.

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

**(h) Item # 16-470, Award Unit Price Bid #1516-14, Titled 2nd Street North Parking Lot Improvements Project, to the Lowest, Responsive Bidder**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Unit Price Bid Number 1516-14, titled "2<sup>nd</sup> Street North Parking Lot Improvements Project" to the lowest responsive and responsible bidder, *R. B. Gay Construction Company, Incorporated*, and authorize *Construction Administration Services* with the project's design firm, *Waitz and Moye, Incorporated*, as described in the memorandum from the Public Works Director dated September 10, 2016.

Mr. Forbes stated this project consists of building a new parking lot on 2<sup>nd</sup> Street North. The bids received ranged from \$786,153.18 to a high of \$1,308,483.10. The project includes 88 regular parking spaces; four ADA parking spaces; three low speed vehicle parking spaces; a public parking entry sign; 23 public dual bike racks; paver hardscape, landscape and irrigation; and 23 public parking spaces added/retained in the adjacent street rights-of-way. The project also includes a police storage facility of about 2,500 square feet.

Mr. Doherty questioned if there was a time frame for this project due to the variation in bids received. Mr. Edwards stated there is a six-month schedule once the actual construction begins.

Ms. Wilson asked if this would be a paid parking lot. Mr. Forbes answered it would be a paid parking lot like the other City parking lots.

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

- (i) **Item #16-471, Approval to Execute Continuing Professional Engineering Services Contracts with *Hanson Professional Services, Inc., Jones Edmunds & Associates, Inc., Four Waters Engineering, Inc., and Applied Technology & Management, Inc.*, in Response to RFQ Number 07-1516 for a Period of Five (5) Years**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Continuing Professional Engineering Services contracts to Hanson Professional Services, Incorporated, Jones Edmunds and Associates, Incorporated, Four Waters Engineering, Incorporated, and Applied Technology and Management, Incorporated, for a period of five (5) years and authorize the Mayor and City Manager to execute contracts with these firms as described in the memorandum from the Public Works Director dated September 9, 2016.

Mr. Forbes explained that every five years the City sends out Request for Proposals for continuing service engineers for small to intermediate scope construction projects. Proposals were sent to 16 firms and 12 responses were received. Four engineering firms were chosen to select from for these projects.

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

- (j) **Item #16-472, Approve Contracts, Effective January 1, 2017 with:**

- **Florida Blue for Medical Insurance**
- **MetLife for Dental Insurance**
- **SunLife for Life Insurance**
- **Advantica for Voluntary Vision Insurance**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve contracts with Florida Blue, MetLife, SunLife, and Advantica for employee health, dental, life, and vision.

Mr. Forbes explained that these were the same companies that currently provide insurance coverage to the City. The medical coverage increased 4.27%, which is significantly below national averages.

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

## **RESOLUTIONS:**

### **Item # 16-473 RESOLUTION NO. 1964-2016**

Mayor Latham requested that the City Clerk read Resolution No. 1964-2016, by title only, whereupon Ms. Scott read the following:

**“A RESOLUTION AMENDING THE OPERATING BUDGET OF THE CITY OF JACKSONVILLE BEACH, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2015 AND ENDING SEPTEMBER 30, 2016”**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 1964-2016, authorizing the year-end budget adjustment.

Mr. Forbes stated the budget is amended twice a year, and this is the year-end adjustment.

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

**ORDINANCES:**

**(a) Item #16-474, ORDINANCE NO. 2016-8079 (First Reading)**

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8079 (First Reading), by title only, whereupon Ms. Scott read the following:

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING THE CITY OF JACKSONVILLE BEACH'S CODE OF ORDINANCES BY ADDING CHAPTER 22, ENTITLED NUISANCES CAUSED BY HUMAN SIGN SPINNERS ON PUBLIC PROPERTY AND PUBLIC RIGHTS-OF-WAY DIRECTING COMMERCIAL MESSAGES TO PASSING MOTORISTS; PROVIDING DEFINITIONS, VIOLATION, REMEDIES, FINES AND PENALTIES, AND AMENDING SECTION 2-173 OF THE CITY OF JACKSONVILLE BEACH'S CODE OF ORDINANCES TO EXTEND THE JURISDICTION OF THE SPECIAL MAGISTRATE TO INCLUDE CHAPTER 22; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR CODIFICATION.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2016-8079, adding a new Chapter 22 to the City Code of Ordinances entitled, Nuisances Caused by Human Sign Spinners on Public Property and Public Rights-of-Way directing Commercial Messages to Passing Motorists.

Mr. Forbes explained this ordinance is to prohibit human sign spinners in the City of Jacksonville Beach. This is for commercial messages only. A human sign spinner is defined as a person that holds or controls a human commercial advertising sign and who waves, twirls, spins or otherwise uses some form of action or movement to attract the attention of any passing motorist or vehicular traffic to any commercial advertising message that is displayed on the sign.

Mr. Forbes added that on Page 4 of the ordinance, Section 22-3, Paragraph 3, the word “jurisdiction” should be added after the word “competent.”

Susan Erdelyi, City Attorney, stated the human sign spinner language was in the previous Sign Code and was omitted during the Sign Code revision because the Sign Code addresses land development regulations.

Ms. Wilson stated that the previous sign spinner regulations were not enforced. She commented that when Council Members hold political signs, they exempt themselves. Ms. Erdelyi explained holding political signs is legal.

Ms. Erdelyi added that this ordinance does not address private property.

**Roll call vote:** Ayes – Vogelsang, Buck, Doherty, Hoffman, Thomason, and Mayor Latham.  
Nays – Wilson.  
The motion passed by a 6-1 vote.

**(b) Item #16-475, ORDINANCE NO. 2016-8080 (First Reading)**

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8080(First Reading), by title only, whereupon Ms. Scott read the following:

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; AMENDING CHAPTER 31 OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, BY ADDING A NEW ARTICLE V ENTITLED MOBILE BILLBOARD ADVERTISING; PROVIDING DEFINITIONS, VIOLATION, REMEDIES, FINES AND PENALTIES, AND AMENDING SECTION 2-173 OF THE CITY OF JACKSONVILLE BEACH'S CODE OF ORDINANCES TO EXTEND THE JURISDICTION OF THE SPECIAL MAGISTRATE TO INCLUDE CHAPTER 31, ARTICLE V; PROVIDING SEVERABILITY; EFFECTIVE DATE; AND PROVIDING FOR CODIFICATION**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to Adopt Ordinance No. 2016-8080, amending Chapter 31, Traffic and Motor Vehicles of the City Code of Ordinances, by adding a new Article V, Mobile Billboard Advertising.

Mr. Forbes explained this ordinance addresses mobile billboard advertising. "Mobile billboard advertising" is defined as any vehicle, or wheeled conveyance which carries, pulls, or transports any sign for the primary purpose of commercial advertising along the streets or highways of the city. The attached regulations prohibit this type of vehicle from operating in the city. However, they do not apply to a vehicle which displays an advertisement or business identification of its owner, so long as such vehicle is engaged in the usual business of regular work of the owner, and is not used mainly to display advertisements.

Mr. Forbes added that in the City Code, the definition of vehicle sign states the sign must cover more than 20 square feet of the vehicle. If the sign is less than 20 square feet, it is exempt. Buses and taxicabs are also exempt.

Mr. Forbes pointed out scrivener's errors in the ordinance. At the bottom of the pages, it should state "Ordinance No. 2016-8080." In Section 31-86, the word "this" should be deleted three times. In Section 31-86, Paragraph 6, the word "jurisdiction" should be added after the word "competent." On the last page, Section 5 should read Codification of this Ordinance in the "Code" of Ordinances.

Mr. Vogelsang asked Mr. Forbes how this ordinance would affect a company that has more than one truck and it is not the owner driving the truck. Mr. Forbes answered in most cases, the sign would be under 20 square feet and if it is being driven as part of doing business and not advertising, then it should not be a problem.

Mr. Doherty stated Beachside Buggies might have a concern as they rely on advertising so they can provide a free service. Mr. Forbes answered if those signs are less than 20 square feet they are exempt. If the signs are larger than that, then Beachside Buggies can adjust the signs.

Ms. Wilson asked how this ordinance would apply to wrapped vehicles. Mr. Forbes answered it would depend on the size of the signage and could be looked at on a case by case basis.

**Roll call vote:** Ayes – Buck, Hoffman, Thomason, and Mayor Latham.  
Nays – Wilson, Doherty, and Vogelsang.  
The motion passed by a 4-3 vote.

Mayor Latham reminded the audience that this is the first reading of the two ordinances and the second reading will be in two weeks.

There being no further business, the meeting adjourned at 8:26 P.M.

Submitted by: Laurie Scott  
City Clerk

Approval:



William C. Latham, MAYOR

Date: 03 OCT 16