

**Minutes of Regular City Council Meeting
held Monday, December 5, 2016, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES:

Mayor Latham asked for a moment of silence for Bruce Corbitt and Kate Amato, 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, City Clerk Laurie Scott, Assistant City Clerk Catherine Ponson, and Administrative Assistant Jodilynn Byrd.

APPROVAL OF MINUTES

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

- Special City Council Meeting (Shade Meeting) held on November 21, 2016
- Regular City Council Meeting held on November 21, 2016

ANNOUNCEMENTS:

Mr. Buck stated that it is important to follow up on Board of Adjustment Chairman Scott Cummings' comments at the November 21, 2016, City Council meeting. Mr. Buck suggested a workshop to discuss those issues.

Mr. Forbes stated that he, the Planning and Development Director, and City Attorney are going to set up some guidelines for the Board of Adjustment. He added they would schedule a workshop with the Board of Adjustment members and contractors early in 2017.

COURTESY OF THE FLOOR TO VISITORS:

Speaker:

- Dr. Barbara L. McCombs, 41 Tallwood Road, Jacksonville Beach, spoke regarding her high water bill. Dr. McCombs submitted a packet of information to the City Clerk. (on file)

MAYOR AND CITY COUNCIL

- (a) **Item # 16-514, Declare the Election Results from the Duval County Canvassing Board, Certified by the State of Florida, for the November 8, 2016, General Election**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to declare the Election results as issued from the Duval County Canvassing Board, certified by the State of Florida, for the November 8, 2016, General Election.

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

- (b) **Item # 16-515, Oath of Office for Newly Elected Council Members**

The City Clerk, Laurie Scott, administered the oath of office for the newly elected Mayor and Council Members:

- Mayor William C. Latham
- Council Member Christine Hoffman, Seat 1, At-Large
- Council Member Phil Vogelsang, Seat 2, At-Large
- Council Member Keith Doherty, Seat 3, At-Large

- (c) **Item # 16-516, Election of Mayor Pro-Tem**

Mayor Latham read into the record Section 5 of the City Charter that addresses the requirement of the Council to choose the Mayor Pro-Tem.

Nominations: It was moved by Mr. Buck, seconded by Ms. Wilson, to nominate Bruce Thomason.

It was moved by Mr. Vogelsang, seconded by Ms. Hoffman, to nominate Jeanell Wilson.

Roll call vote: Mr. Doherty voted for Jeanell Wilson.
Ms. Hoffman voted for Jeanell Wilson.
Mr. Thomason voted for Bruce Thomason.
Mr. Vogelsang voted for Jeanell Wilson.

Ms. Wilson voted for Jeanell Wilson.
 Mr. Buck voted for Bruce Thomason.
 Mayor Latham voted for Bruce Thomason.

Ms. Wilson was elected Mayor Pro-Tem by a vote of 4 to 3.

CITY CLERK:

CITY MANAGER:

Item # 16-518, Award a Continuous Service Contract to Advanced Disposal Services Jacksonville, LLC, in Response to RFP 11-1516 for Collection and Disposal of Solid Waste and Recycling Services

Motion (Part 1): It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award a continuous service contract to Advanced Disposal Services Jacksonville, a Limited Liability Corporation, and authorize the Mayor and City Manager to execute a contract with Advanced Disposal Services.

Mr. Forbes explained this issue was discussed at the November 21, 2016, City Council meeting. He stated there were two parts to this agenda item. One item is to approve the contract with Advanced Disposal Services, LLC, and the other item is to select the frequency of pickup for garbage/trash, recycling, yard waste, and bulky waste.

There are four options the City Council has to choose from for pickup frequencies. The City currently uses Option A which includes garbage being picked up twice a week and recycling once a week.

	RESIDENTIAL PICKUP FREQUENCY			
<u>Alternates</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
<i>Garbage/Trash</i>	Twice per week	Twice per week	Once per week	Once per week
<i>Recycling</i>	Once per week	Once every 2 weeks	Once per week	Once every 2 weeks
<i>Yard Waste</i>	Once per week	Once per week	Once per week	Once per week
<i>Bulky Waste</i>	Once per week	Once per week	Once per week	Once per week

There were two samples presented of the two different sizes of carts that would be used. A 95-gallon cart and a 64-gallon cart were displayed. Under the new contract, a cart will be used for recycling.

Speakers:

- John Galarneau, 2002 Grove Street, Jacksonville Beach, stated he is for Option B as the current schedule of twice a week pickup makes sense due to the high temperatures affecting the odor of the garbage.

- James Sorrell, 1410 Pinewood Road, Jacksonville Beach, spoke regarding recycling and submitted a handout to the City Clerk regarding recycling information available online. (on file)
- Jim Overby, 21 Burling Way, Jacksonville Beach, stated the current twice a week pickup is fine the way it is.
- Rick Knight, 827 8th Avenue North, Jacksonville Beach, stated he is for Option A, twice a week pickup.
- Bill Stevens, 733 2nd Avenue North, Jacksonville Beach, could not stay and had written on his speaker card he is for twice a week pickup.
- Tom Larsen, 887 Marshside Court, Jacksonville Beach, stated he had researched, and learned recycling rates increased when picked up every two weeks.
- Sylvia Osewalt, 3 Freedom Way, Jacksonville Beach, stated she is for Option A. However, she added she would stop recycling as it would be difficult to place the now larger recycling cart out for pick up. She commented the senior citizens of Jacksonville Beach would also have difficulty.
- David Searcy, 2940 Strickland Street, Jacksonville, asked about tipping fees. Mayor Latham replied there are none.

Discussion:

Discussion ensued regarding customer awareness about recycling, the size of garbage and recycling carts, the frequency of pickups, cost savings, and customer options regarding size of recycling carts.

Mr. Forbes stated that if Option A is approved, then the 64-gallon recycling cart would be used. He added that if Option C is approved, which includes once a week pickup for garbage and recycling then the cost for the customer could potentially be reduced from \$16.31 to \$14.40 per month.

Bill Stubblebine, representing Advanced Disposal Services, LLC, stated the City would not be held liable for recycling contamination due to the larger recycling carts that would now be used.

Roll call vote (Motion to award the

contract to Advanced Disposal): Ayes – Hoffman, Thomason, Vogelsang, Wilson, Buck, Doherty, and Mayor Latham. The motion carried unanimously.

Motion (Part 2): It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize a residential pickup frequency for garbage/trash, recycling, yard waste, and bulky waste of once per week.

Amended Motion (Part 2): It was moved by Mr. Vogelsang and seconded by Ms. Wilson, to authorize residential frequency for garbage/trash of twice per week, and recycling, yard waste, and bulky waste of once per week.

Roll call vote-Amended Motion (Part 2): Ayes – Thomason, Vogelsang, Wilson, Buck, and Mayor Latham.
Nays – Doherty and Hoffman.
The motion passed by a vote of 5-2.

Roll call vote-Motion (Part 2): Ayes – Vogelsang, Wilson, Buck, Thomason, and Mayor Latham.
Nays – Doherty and Hoffman.
The motion passed by a vote of 5-2.

[The result is that garbage/trash will be picked up twice a week; yard waste, bulky waste, and recycling will be picked up once a week.]

RESOLUTIONS:

Item # 16-519 RESOLUTION NO. 1968-2016

Mayor Latham requested that the City Clerk read Resolution No. 1968-2016, by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH PROVIDING FOR THE ADOPTION OF SOLID WASTE COLLECTION AND DISPOSAL FEES AND ESTABLISHING AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution No. 1968-2016, providing for solid waste collection and disposal fees.

Mr. Forbes explained this resolution clarifies that the current residential rate of \$16.31 includes two garbage toters (if needed) and one recycling toter. Additional toters will be billed at \$10.00 per toter per month. Commercial customers using toters for garbage will also be charged an extra \$10.00 per toter per month for more than two toters.

The commercial recycling fee is based on container cubic yard volume and applies to all commercial customers that choose to have the City collect recycling. Commercial recycling is an open market, and a commercial customer is free to choose another qualified company for recycling.

Multifamily units (such as apartments and condominiums) are now to be charged for recycling based on the cubic yard volume of their recycling containers. We discussed at the November 21, 2016, City Council meeting that Republic Services, in return for a 5-year extension of their contract, kept the fees the same and recycled multifamily units at no additional cost to the City. In the new scope of work, the City must pay for collecting multifamily recycling. Recycling is not mandatory but encouraged.

The resolution has been updated for the use of toters for garbage/trash and recycling. Toters are the type of garbage cans on wheels that we have been providing for over ten years. This is a change in terminology to be consistent with our present practices and scope of services.

There is a new category for “unique commercial” waste (there are currently about 12 in the city). These customers would ordinarily use a dumpster, but that is not possible because their unique location does not have room for a dumpster. For this reason, their solid waste is collected using a wheeled toter(s), and the customer is billed accordingly. These customers are also charged per cubic yard for bulky waste. Bulky waste consists of large boxes and other items that cannot fit in a toter.

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

ORDINANCES:

(a) Item #16-520, ORDINANCE NO. 2016-8084 (Second Reading) (Public Hearing)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8084 (Second Reading), by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH DECLARING A TEMPORARY MORATORIUM ON THE OPERATION OF MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA DISPENSING ORGANIZATIONS WITHIN THE CITY FOR A PERIOD OF ONE (1) YEAR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2016-8084, approving a one (1) year moratorium on the operation of medical marijuana treatment centers and dispensing organizations within the City.

Mr. Forbes stated that Amendment 2, or the Florida Medical Marijuana Legalization Initiative, was approved by voters, on the November 8, 2016, ballot. This ordinance establishes a temporary one-year moratorium on medical marijuana treatment centers and dispensing organizations. The City’s Land Development Code does not currently have regulations governing the use of property for the purposes of medical marijuana or related activities (treatment centers and dispensing organizations).

The requested moratorium period of one year will allow the City to consider the enabling legislation that the State Legislature is required to adopt during its next session, which ends in May 2017. The moratorium will also allow the City time to better analyze the potential impacts of medical marijuana treatment centers and

dispensing organizations upon adjacent uses and surrounding areas, and then formulate appropriate regulations to accommodate these types of businesses.

Mayor Latham opened the Public Hearing.

Speakers:

- Carrie McClain, Esquire, 415 4th Avenue North, Jacksonville Beach, stated the ordinance declaring a one-year moratorium on marijuana treatment centers and dispensaries places a hardship on those that need the medicine.
- Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach, spoke for the ordinance and preferred the dispensaries stay in commercial zones and not be allowed to be open 24 hours per day.
- John Spreier, 2950 Sanctuary Boulevard, Jacksonville Beach, stated that as an occupational therapist, he has patients who are residents of Jacksonville Beach who would benefit from if it were available in the area.
- Georgette Dumont, 507 16th Avenue South, Jacksonville Beach, stated that there should be a framework in place from the State before the City makes any decisions regarding these issues.
- Laura Colomb, 532 18th Avenue North, Jacksonville Beach, stated she disagreed with the moratorium and the City should not make those that need the medicine wait.
- Mary Phillips, 934 10th Street North, Jacksonville Beach, stated she agreed with the temporary moratorium so the City can avoid making any mistakes in regulating these facilities.

Mayor Latham closed the Public Hearing.

Discussion:

Mr. Vogelsang stated with 80% of constituents voting for the amendment; he does not want to be the moral police in deciding the dispensary issue. He added the City should designate where the dispensaries should be located, and the regulations from the State could be adopted within the City's legislation. He stated one year is too much of a definite period based on when the State is going to enact that legislation.

Motion: It was moved by Mr. Vogelsang and seconded by Ms. Hoffman, to amend the original motion to add the language "up to one year."

Mr. Doherty asked if the regulations would be adopted by the State within the one-year period.

Mr. Forbes replied there should be legislation adopted as there is language stating the State could face legal action from citizens if not enacted. He added the moratorium needs to be one year and upon the adoption of the legislation from the State it could be brought back the City Council.

Ms. Hoffman stated she is in support of the “up to one year” language so the City Council can be moving forward and not waiting for the one-year moratorium to expire.

Mayor Latham asked the City Attorney about using the “up to one year” language.

Susan Erdelyi, City Attorney, answered that there is definitiveness in the way the ordinance was written in that it will terminate at one year. She added the ordinance also states the “moratorium shall terminate one year from the effective date of this ordinance unless the City Council rescinds or extends the moratorium by a subsequent ordinance.”

Ms. Erdelyi stated the Department of Health is the agency responsible for regulating in this area. Under the amendment, they have to pass the regulations no later than six months after the effective date of the amendment. The Department of Health is going to come up with regulations on where the facilities can be located, how many, and hours of operation. There are many questions that need to be answered. That legislation will guide the City Council in their decision. She added if the Department of Health has up to six months to enact legislation, then the moratorium can be cut short under this ordinance.

Mayor Latham asked if the new legislation is in place, could the City Council then move forward and not wait the full year.

Ms. Erdelyi confirmed that the City Council could move forward and stated keeping the current language of the ordinance would allow the City Council to end the moratorium.

Mr. Vogelsang withdrew the amended motion.

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

(b) Item # 16-521, ORDINANCE NO. 2016-8085 (First Reading)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8085 (First Reading), by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE RENAMING A PORTION OF A CERTAIN STREET LOCATED IN THE OCEAN VIEW HIGHLANDS SUBDIVISION. (A portion of Burling Way to 34th Avenue South)”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2016-8085, renaming an isolated segment of Burling Way located immediately west of Isabella Boulevard and south of Osceola Avenue, to 34th Avenue South and changing the addresses of the four affected properties on that segment of roadway.

Mr. Forbes explained four property owners are requesting that the section of Burling Way be re-named to become part of 34th Avenue South. Burling Way at one time was platted through what is now the Ocean Cay subdivision.

The property owners are asking for the address change as it creates public safety issues if and when first responders or others might have to locate their residences/properties.

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

There being no further business, the meeting adjourned at 9:00 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: 12/19/16