

**Minutes of Regular City Council Meeting
held Monday, February 6, 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
 Bruce Thomason Phil Vogelsang(*absent*) Jeanell Wilson

Also present were City Manager George Forbes, City Clerk Laurie Scott, and Staff Assistant Mandy Murnane.

APPROVAL OF MINUTES

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

- Regular City Council Meeting held on January 17, 2017

ANNOUNCEMENTS:

Mr. Thomason encouraged those in attendance to avoid looking at social media websites for information about the City of Jacksonville Beach. He stated information can be found on the City’s website. He added any questions or concerns should be directed to the City of Jacksonville Beach staff or a Council Member.

Ms. Hoffman informed the audience that the City of Jacksonville Beach Facebook page is a reliable and factual informational portal.

Mayor Latham explained the importance of workshops and the exchanging of information with the public. The key is communication, and any concerns can be brought to the Council Members to be addressed.

COURTESY OF THE FLOOR TO VISITORS

Speakers:

- Tony Komarek, 533 11th Avenue South, Jacksonville Beach, spoke regarding the density and parking issues in the City.
- Julie Malmstrom, 2042 2nd Street South, Jacksonville Beach, spoke regarding the lack of speed limit and stop signs in her area.
- Jon McGowan, 5 North 17th Avenue, Unit 401, Jacksonville Beach, questioned the status of the City being designated a “Purple Heart City.” He brought to the attention of the City Council that there were “pub crawls” being scheduled in the City and they should be regulated.

MAYOR AND CITY COUNCIL

- (a) **Item #17-020, Appointment of One Alternate Member to the Planning Commission.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to nominate Britton Sanders for reappointment to the Planning Commission for a new four-year term expiring on December 31st, 2020.

Mayor Latham stated the City Council had publicly conducted interviews with candidates for appointed positions on City Boards.

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

- (b) **Item # 17-021, Appointment of One Alternate Member to the Board of Adjustment.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to nominate Francis Reddington for reappointment to the Board of Adjustment for a new two-year term expiring on December 31st, 2018.

Mr. Buck complimented the community due to the impressive amount of qualified applicants.

Ms. Wilson would like to re-address the current term limits of the Boards based on the amount of qualified applicants.

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

CITY CLERK

CITY MANAGER:

(a) Item # 17-016, Receive Information Regarding the 26.2 with Donna, The National Marathon to Fight Breast Cancer.

Donna Deegan, the event organizer, presented the City Council with a framed marathon poster in honor of 10th Anniversary of the 26.2 with Donna National Marathon, and thanked them for their continuing support.

Ms. Hoffman asked Ms. Deegan about the memorial brick sales. It was reported that there were over one hundred brick sales last month, not including the additional replicas that can be ordered from home.

Mr. Thomason thanked The Donna Marathon for the work that they do and inquired if they had paid all fees.

Mayor Latham stated his support for the marathon.

The City Manager reminded Ms. Deegan that she was selling bricks but had not yet received permission from Public Works Director regarding this project.

Mr. Doherty congratulated Ms. Deegan on the ten-year anniversary of the marathon. He asked Ms. Deegan if she was aware of the road construction on 1st Street. Ms. Deegan stated that issue had been worked through as far as the course was concerned.

(b) Item # 17-018, Award Projects 1, 2, 3 and 7 to the Lowest Qualified Bidder, R&D Landscape and Reject Projects 4, 5 and 6 from Bid Number 1617-02 Titled Installation of Irrigation Systems.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Projects 1, 2, 3 and 7 to the lowest qualified bidder, R&D Landscape. Reject Projects 4, 5 and 6, in Bid Number 1617-02, titled Installation of Irrigation Systems, as described in the memorandum from the Property and Procurement Officer, dated January 22, 2017.

Mr. Forbes explained the approval of this bid would include new irrigation systems at Seawalk Pavilion, Latham Plaza, and Oceanfront Park. The bid also includes planting new sod around the statue in Oceanfront Park. He added these are maintenance issues, and the irrigation systems need to be rebuilt for the upkeep of the grass.

Ms. Wilson asked about the life expectancy and the warranty of the new irrigation systems.

Mr. Forbes stated the life expectancy is at least ten years based on the activity in the area.

Jason Phitides, Property and Procurement Officer, commented there is a one-year warranty on the labor and the materials.

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

(c) Item # 17-022, Ratify the Collective Bargaining Agreement with Laborer's International Union of North America (LIUNA), Local 630, Effective October 1, 2016.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to ratify the three-year contract with Laborer's International Union of North America, Local 630, effective October 1, 2016.

Mr. Forbes explained the majority of the employees that this contract covers are Beaches Energy and Public Works. He commended Ann Meuse, Human Resources Director, and Karen Nelson, Chief Financial Officer, for their work on this contract. This contract ensures City employees are paid at the market rate and paid fairly.

He stated the contract has been ratified by the union. He pointed out on Page 46, Section 29.7 of the contract, the word "was" should be inserted, and on Page 51, Section 33.1, the word "the" should be deleted.

Ms. Wilson questioned if the rate increase would be retroactive to October 1, 2016, and if the increases were included in the budget.

Mr. Forbes confirmed the contract is retroactive, starting on October 1, 2016, and the pay increase will be included on a future budget modification; however, the funds are available.

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

RESOLUTIONS:

Item # 17-023, RESOLUTION NUMBER 1970-2017

Mayor Latham requested that the City Clerk read Resolution No. 1970-2017, by title only, whereupon Ms. Scott read the following:

"A RESOLUTION AMENDING THE CITY OF JACKSONVILLE BEACH POSITION CLASSIFICATION AND PAY PLAN FOR MANAGERIAL, PROFESSIONAL, ADMINISTRATIVE AND UNCLASSIFIED (NONUNION) CITY POSITIONS, EFFECTIVE OCTOBER 1, 2016. (This Resolution adds one nonunion position, a Database Administrator)"

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution Number 1970-2017, amending the Classification and Pay Plan for Managerial, Professional, Administrative, and Unclassified (Nonunion) City positions, effective October 1, 2016. This will reclassify the Computer Systems Operator position to a nonunion position and change the position title and grade to a Database Administrator (Pay Grade 126).

Mr. Forbes explained this is not a new position. He added with the union's permission, the existing position of Computer Systems Operator has been made nonunion and reclassified as Database Administrator.

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

ORDINANCES:

Item # 17-019, ORDINANCE NO. 2017-8086 (Second Reading) (Public Hearing)

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8086 (Second Reading), by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT ORDINANCE NUMBER 2011-8001, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND ZONING ATLAS FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY. (This Ordinance amends the Preliminary Development Plan for the Baptist Medical Center Beaches to include the expansion of the South Pavilion of the main hospital building, including relocation of an internal roadway, and the relocation of the existing helipad.)”

Mayor Latham read the following:

“This ordinance to amend the PUD zoning regulations of a property is before this Council for a public hearing and consideration on its second reading. Under the laws of the State of Florida, an application to amend the zoning regulations governing a property is handled as a ‘quasi-judicial’ proceeding. A quasi-judicial proceeding means that a governing body is now functioning in a manner similar to a court with the Mayor and Council sitting as impartial decision makers hearing testimony and questioning presenters, who are to provide substantial and competent evidence to support their side of the issue. It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed use on the neighborhood, especially where the input is fact-based and not a simple expression of opinion.

It is the applicant's burden to demonstrate that their application is consistent with the Land Development Code and the Comprehensive Plan. If the applicant is successful in showing consistency, then it is up to the local government to produce competent, substantial evidence of record that the application should be denied. The Council's decision on a zoning amendment application is based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria.

In addition, the Council has received a copy of the application, and the staff and Planning Commission reports on this PUD zoning amendment request.”

Public Hearing:

Mayor Latham opened the public hearing on Ordinance No. 2017-8086, and asked for the spokesperson of Beaches Baptist Hospital to address the City Council.

Speakers:

Paul Hardin, 501 Riverside Avenue, Jacksonville, representing Baptist Medical Center Beaches, stated there are three changes. They are a modified footprint for the South Pavilion expansion, relocation of the internal roadway, and relocation of the helipad.

Mayor Latham closed the Public Hearing.

Ex-Parte Communications

Mayor Latham read the following statement for the record:

“Before requesting a motion on this ordinance, beginning with myself, each of the members is requested to indicate for the record *both the names of persons and the substance of any ex parte* communications regarding this application. An ex parte communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision, which occurred outside of the public hearing process.”

There were no ex-parte communications from the City Council or the Mayor.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2017-8086, amending Ordinance No. 2011-8001 governing the Baptist Medical Center Beaches, revising the approved Preliminary Development Plan to reflect the final plans for the South Pavilion expansion of the main hospital building, including the relocation of an internal roadway, and the relocation of the existing helipad.

Discussion:

Mayor Latham read the following statement for the record:

“Before opening the floor for discussion or questions by the Council, please be reminded that our decision will be based on the criteria set forth in the Land Development Code, and the Council is required to approve a clear statement of specific findings of fact stating the basis upon which such facts were determined and the decision was made.”

Mr. Doherty questioned if the height dimensions were correct as detailed on the diagram.

Bill Mann, Planning and Development Director, stated those were the approved heights for the original PUD.

Mr. Forbes added that the hospital had an existing PUD before the height limit went into effect in 2004, and the existing PUD is exempt from the height limit.

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

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the Findings of Fact, dated February 6, 2017.

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

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: 2/20/17