

**Minutes of Regular City Council Meeting
held Monday, May 1, 2017, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



(Amended)

OPENING CEREMONIES:

Council Member Vogelsang gave the invocation, followed by the salute to the flag.

CALL TO ORDER:

Mayor Latham called the meeting to order at 7:12 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, Chief of Police Patrick Dooley, City Attorney Susan Ederlyi, 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:

- City Council Briefing held April 17, 2017
- Regular City Council Meeting held April 17, 2017

ANNOUNCEMENTS

Mr. Thomason commended Public Works Street Superintendent, David McDonald, on the department's efforts to resolve Advances Disposal customer concerns.

Mr. Thomason extended an opportunity for residents to show support to the local law enforcement officers of the Jacksonville Beach Police Department during their annual Police Officers Memorial Ceremony on Monday, May 15, 2017, at 9:30 A.M. at the Jacksonville Beach Police Department, located at 101 South Penman Road.

COURTESY OF THE FLOOR TO VISITORS

Speakers:

- James Sorrell, 428 North 16th Avenue, Jacksonville Beach, spoke regarding the repercussions of recent events on residents and businesses due to parking, stating there is inadequate parking and the residential neighborhoods are being negatively impacted. Additionally, Mr. Sorrell requested local businesses be required to receive an approved variance before outdoor seating is allowed.

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

(a) Item #17-068, Approve Draw from the Law Enforcement Trust Fund to Purchase a New Police Patrol and Narcotics Detection Dog

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve a draw of \$7,500 from the Law Enforcement Trust Funds to purchase a new patrol dog from Shallow Creek Kennels.

Mr. Forbes explained the police department is purchasing a new patrol and narcotics detection police dog after the previous 11-year-old canine, Mako, had to be put down due to cancer on February 10, 2017. The City of Jacksonville Beach has purchased many police dogs from Shallow Creek Kennels because of their reputation and warranty.

Chief Dooley explained the Police Department would be purchasing a one-year-old Belgian Malinois dog. A rigorous twelve-week Sheriff's Office Training School will allow the dog to become a certified police dog as well as a narcotics dog.

Per request of Ms. Wilson, Chief Dooley elaborated on the warranty for the dog, stating the dog would be examined by a third party veterinarian in Jacksonville Beach, and if any issues are found that would be problematic down the road, the dog would be replaced by Shallow Creek Kennels.

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

(b) Item #17-069, Approve Draw from the Federal Equitable Sharing Fund to Purchase One New Marked K 9 Vehicle

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve a draw of \$35,509 from Federal Equitable Sharing Fund to purchase one new marked K-9 vehicle.

Chief Dooley explained the unique, dog-friendly features of the Ford Explorer, including the custom air conditioning, cage, and remote release button for the dog handler. It is important to have a reliable engine, as the vehicle will need to be in idle throughout the entirety of the shift.

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

(c) Item #17-072, Approval of a Five-Year Agreement to Produce the Classic Car Cruise and the Jax Beach Art Walk with Better Jacksonville Beach, Inc.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve a five-year agreement with Better Jacksonville Beach to produce the monthly Classic Car Cruise and Jax Beach Art Walk.

Mr. Forbes said the Classic Car Cruise and the Jax Beach Art Walk are family friendly events that have continued to be an attraction for several years. For this reason, the intentions of the agreement were to formalize Better Jacksonville Beach's responsibilities for managing these two events and its relationship with the City of Jacksonville Beach for the next five years.

In the agreement, the City agrees to:

- Reserve Latham Plaza and the SeaWalk on specified dates once a month for each event
- Waive facility rental fees
- Provide utilities

Better Jacksonville Beach, Inc. agrees to:

- Produce monthly (except in December) both the Classic Car Cruise and the Jax Beach Art Walk
- Allow artists and classic car owners to participate in its two events at no charge
- 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, clean-up services, promotion and marketing, if applicable
- Obtain necessary permits and provide \$1,000,000 liability insurance naming the City as additional insured

In addition, the term of the agreement is five years, although either party may cancel the agreement within sixty days, with written advance notice.

Speaker:

Cory Nichols, 1107 1st Street South, Jacksonville Beach, spoke in opposition of the agenda item. Mr. Nichols referenced Section 4 of the Special Events Policy regarding the special event fees. The waiving of the event fees for Better Jacksonville Beach, Inc. is contradicting to the Event Policy, a conflict of interest for the City, and would show favoritism.

Mayor Latham noted the City Council held a Council Briefing earlier that evening where they addressed the Special Events Policy.

Mr. Vogelsang addressed the reservations that he had with the contract, stating there should be a rental fee for using the city facilities if the event organizer intended to gain a financial advantage and used the Deck the Chairs event as an example.

City Attorney, Susan Erdelyi, informed the Councilmembers that their decision to amend, approve, or reject the contract was within their right and addressed the concerns given by Mr. Doherty regarding a conflict of interest as the event organizer is also a CRA board member applicant. Ms. Erdelyi explained that the event organizer holds no public office or board membership on any of the city's boards and further, based on Form 8-B, "The Memorandum of Voting Conflict," even if the applicant were a member of the CRA board, he would not be prohibited from voting under state law. Likewise, there would be no way for a CRA Board Member to influence the event contract.

Ms. Wilson understood Mr. Vogelsang's concerns and the example of Deck the Chairs and profitability due to the success of the event over time. Nevertheless, the commonality amongst the Councilmembers has been the desire to bring more family-friendly events to Jacksonville Beach and becoming prematurely concerned with a similar future for the Classic Car Cruise, and Jax Beach Art Walk is unnecessary at this stage.

Ms. Hoffman was concerned about the approach of event contracts overall and asked if the contract length of five years was amendable.

Mr. Forbes responded by first mentioning that the contract is cancellable in sixty days by either party. The events produced by Mr. McGowan have been informally occurring long enough to progress into a formal five-year agreement given the relationship with the City of Jacksonville Beach.

Motion: It was moved by Ms. Hoffman, and seconded by Mr. Vogelsang to table the motion until the Special Events Policy corrections had been made.

Mr. Forbes confirmed Mr. Thomason's inquiry that there are no other city-sponsored events that are charged a fee and added the event would likely dissolve if the City Council did not approve the formal contract with Mr. McGowan.

Ms. Hoffman, Mr. Vogelsang, and Mr. Doherty expressed their support of the event itself but opposed the policy as it relates to the process of becoming a city-sponsored event, especially when money is earned at the event.

Mayor Latham invited Jon McGowan of Better Jacksonville Beach to speak on behalf of the Classic Car Cruise and Jax Beach Art Walk.

Mr. McGowan said that the events have been produced by volunteer hours and insurance requirements met by the local businesses. Mr. McGowan noted the Jax Beach Art Walk does not utilize city facilities as it takes place on the sidewalks with the approval of the businesses.

Roll call vote (Table Motion): Ayes– Hoffman, Vogelsang, and Doherty.
Nays–Thomason, Wilson, Buck, and Mayor Latham.
The motion failed 4-3.

Motion: It was moved by Mr. Vogelsang, and seconded by Mr. Doherty, consistent with the one-year review special events policy, to amend the agreement to a one-year contract with a sixty-day cancellation within the one year.

Roll call vote (Amended Motion): Ayes– Vogelsang, Doherty, and Hoffman.
Nays– Thomason, Wilson, Buck, and Mayor Latham.
The amended motion failed 4-3.

Mr. Vogelsang and Mr. Doherty clarified their intentions to Mr. McGowan as the comments made in the discussion were not meant to diminish his efforts.

Roll call vote (Org Motion): Ayes–Wilson, Buck, Thomason, and Mayor Latham.
Nays–Vogelsang, Doherty, and Hoffman.
The original motion passed 4-3.

RESOLUTIONS

ORDINANCES:

(a) Item # 17-053, ORDINANCE NO. 2017-8088, First Reading

With the permission of the City Council, Mr. Forbes requested the Ordinance be tabled until further notice.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:15 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, Mayor

Date: _____

5/15/17