

**Minutes of Regular City Council Meeting
held Monday, May 15, 2017, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES:

Council Member Wilson 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, City Clerk Laurie Scott, and Assistant City Clerk Catherine Ponson

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 May 1, 2017
- Regular City Council Meeting held May 1, 2017

ANNOUNCEMENTS

City Attorney, Susan Erdelyi announced a Shade Meeting pursuant to Florida State Statute 286.011 for the City Council to discuss and give advice on the case of Las Olas Development, LLC versus the City of Jacksonville Beach. The Shade Meeting would be held on June 5th, 2017, at 5:00 P.M. before the Regular City Council Meeting.

Council Member Doherty commented he would like to explore the possibility of having our Municipality on the Supervisor of Elections automated candidate financial reporting system.

COURTESY OF THE FLOOR TO VISITORS

Speakers:

- Jan Bailey, 25 29th Avenue South, Jacksonville Beach, reported several "No Parking" signs were missing along Ocean Drive South between 28th and 29th Avenue, between 29th and 30th Avenue, and at the large beach access at the end of 30th Avenue South and would like to see them replaced.
- Susan Taylor, 603 15th Street North, Jacksonville Beach, spoke concerning the filing requirements of the IRS Form 990 with the Special Events permit application.

Additionally, she advocated for Council Members Hoffman, Doherty and Vogelsang to recuse themselves from any decision-making policies regarding special events due to their associations with special events in the past, and possible future events.

Council Member Vogelsang responded to Ms. Taylor's statements regarding the submission of the IRS Form 990 with the Special Events applications. He stated at the Council Briefing held on May 1, 2017, they spoke in favor of organizations submitting their IRS Form 990 with the Special Events application. During the briefing, Council Members asked for clarification in regards to specifically which corporate documents would need to be submitted along with the event application.

- Rick Knight, 827 8th Avenue North, Jacksonville Beach, discussed the future branding of the City of Jacksonville Beach.
- James Sorrell, 1410 Pinewood Road, Jacksonville Beach, recognized the City Council, City Attorney, Susan Erdelyi, and City Staff on the preparation and training provided to the members of the Board of Adjustment and is looking forward to similar training being provided to the other City Boards.
- [Stephen Wilson, 1031 1st Street South, #802, Jacksonville Beach, submitted a speaker card. However, he did not come forward when his name was announced].

MAYOR AND CITY COUNCIL

- (a) **Item #17-076 Presentation by Florida League of Mayors and Florida League of Cities to Fletcher Middle School Student Avery Wingate, Second Place Winner in the "If I Were Mayor" Essay Contest**

Avery Wingate, a seventh grader at Fletcher Middle School, was the second place winner of the "*If I Were Elected Mayor*" essay contest open to all seventh graders in the State of Florida, sponsored by the Florida League of Cities and the Florida League of Mayors. Mayor Latham read his award-winning essay. Linda Briggs, Director, Association Services, Florida League of Cities presented a Resolution recognizing Avery Wingate as the second place winner along with a \$50 gift card.

- (b) **Item #17-077 Presentation by Denise Bunnewith with North Florida TPO on the North Florida Transportation Improvement Program**

Denise Bunnewith gave a presentation of the Transportation Improvement Program (TIP) for the City of Jacksonville Beach for FY 2017/18-2021/22.

Mayor Latham asked when the J. Turner Butler and I-95 interface would be completed. FDOT representative, Jim Green, stated based on the available information; the project would be completed this summer.

CITY CLERK

CITY MANAGER

(a) Item #17-078, Accept the Monthly Financial Reports for the Month of April 2017

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to accept the financial reports for the month of April 2017, as submitted by the Chief Financial Officer.

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

(b) Item #17-079, Approve a Commercial Lease Agreement with Coastal Improvement Corporation for Property at the Industrial Park

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to Authorize the City Manager and Mayor to execute a lease with Coastal Improvement Corporation for property at the Jacksonville Beach Industrial Park.

Mr. Forbes explained the Tenant would like to lease 13,210 square feet of vacant land at the Industrial Park as a laydown area, possible covered storage, and a mobile office trailer. The proposed use is acceptable under Sec. 34-346 Industrial District: I-1 zoning. Total monthly rent would be \$1,188.90

He discussed the key provisions of this lease, which are as follows:

- The lease is for a period of five years. Either party may terminate the lease after 12 months by providing 90 days advanced written notice.
- Use of the land is solely for storage of inventory and equipment and a mobile office trailer.
- The lease rate will increase by 4% each year. The Tenant is also responsible for ad valorem and property taxes.
- The Tenant shall be responsible for maintaining and keeping the property in good condition and repair throughout the term of the lease.
- The Tenant shall provide privacy fence fabric around the leased space before storing inventory and equipment.

Ms. Wilson asked for confirmation that the Tenant would have only one mobile office on the property. Mr. Forbes stated, it might be a single or doublewide trailer – but there would only be one structure used as a business office.

Ms. Wilson asked if the Tenant would be responsible for the Florida 7% Sales and Use Tax. Mr. Forbes explained the Lease requires the Tenant to pay all legal taxes of any nature.

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

(c) Item #17-080, Approve the Design of a Master Plan for the Golf Course

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the design of a master plan for the Golf Course as described in the memorandum from Jason Phitides, the Interim Parks and Recreation Director dated May 6th, 2017.

Mr. Forbes reported the objective would be to improve the playability of the course and to identify options for expanding its use as a recreational facility for the entire community. The plan would identify cost-effective changes that could be implemented over a number of years. Options that may be considered in the master plan are:

- Repositioning certain tees, greens, and bunkers to address safety issues and improve playability for all ages and skill levels.
- Restructuring certain holes to create space to add a putting course.
- Enlarge the driving range and increase the number of stations.
- Add recreation functions such as trails for jogging or walking, etc.
- Including additional activities such as glow golf, or foot golf to utilize the course during non-peak hours and evenings.

Harrison Minchew, in association with Applied Technology Management (one of the City's continuing services engineering contractors), who provided the design and bid specifications for greens 2 and 5 in the previous project, has proposed a fee of \$17,500 to design a master plan. The design would contain proposed changes overlaid onto an aerial photo/map and include specifications, timeline, and projected costs, etc. for each component of the master plan. He is a local golf course architect who has been designing golf courses since 1982. He has designed and constructed courses all over the world and was Arnold Palmer's lead architect for many years. Mr. Minchew elaborated on the options that may be considered in the master plan. He stated that the golf course is a diamond in the rough and said that the PGA may be willing to help.

Mr. Forbes asked Mr. Minchew to return when his master plans are 50% complete to permit Council Members to provide their input.

Mr. Forbes stated the funding of \$17,500 to design a master plan, would come from the General Capital Projects Fund for the golf course. In response to Ms. Wilson's question about funding for future golf course construction projects, Mr. Forbes stated the funding would come from the General Capital Projects Fund, and they are actively building the reserve funds in preparation for future construction.

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

(d) Item #17-081, Approve the Expenditure from the General Capital Projects Fund for Geographic Information Systems Services Related to the Enterprise Resource Planning System

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the expenditure of \$134,610 from the Capital Projects Fund, ERP reserve, for Geographic Information Systems services provided by Power Engineers, Inc. pursuant to the Consulting Agreement dated December 15, 2016.

Mr. Forbes reported the City is in the process of implementing the first stage of a new Enterprise Resource Planning (ERP) system, which includes software to run our financial, personnel, payroll and utility billing functions.

All the leading vendors who provide municipal asset management software utilize maps with a Geographic Information System (GIS) as a primary data source that supports many of the software's core functions. A key element of the City's asset management system would be its ability to utilize and integrate with the GIS software.

In order to upgrade our GIS and prepare for full implementation of a new asset management system, we must migrate some of our existing data related to streets, water, stormwater, and sewer infrastructure to combine all GIS data into one centralized system.

The City entered into an agreement with Power Engineers on December 15, 2016, for consulting and migration services to assist us with the upgrade of our GIS. The agreement includes a general scope of services

The initial estimated cost of the project was \$68,400, based upon a GIS ERP Readiness Review performed by IT Nexus in February 2016. Since that time, Power Engineers has performed extensive analysis and developed a detailed scope of work, resulting in a revised budget of \$134,610. Funding is available for this project in the Capital Projects Fund, reserve for ERP.

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

RESOLUTIONS

Item #17-082, RESOLUTION NO. 1982-2017

Mayor Latham requested that the City Clerk read Resolution No. 1982-2017, 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 MAY 1, 2017.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution No. 1982-2017, Amending the Classification and Pay Plan for Managerial, Professional, Administrative and Unclassified (Nonunion) City Positions, effective May 1, 2017.

Mr. Forbes reported this resolution would amend the Pay Plan for lifeguards, adopt a car allowance for the police chief and add a Purchasing Administrator position.

Over the past few years, the City has seen the number of applicants for beach patrol positions trending lower from one year to the next. For many years, the City routinely recruited over 80 lifeguards for the season. Last year the number dropped to 60. This trend became a matter of concern this year when at the beginning of April, the City had only recruited 40 lifeguards.

Recruitment of lifeguards is an issue throughout the country. Currently, there is a National shortage of lifeguards. One of the major reasons cited is the low interest in certification training, which can be costly and time-consuming. The City's requirement that lifeguards complete a twelve week training program with the Corps is an added factor. The typical age range of a lifeguard is age 15 to college, and given many students' education and sports commitments; they cannot be counted on to work full shifts.

To address this problem, the City reviewed the hourly rate it currently pays its lifeguards, the training required to become a lifeguard and the possibility of providing an incentive for a lifeguard to work full shifts throughout the season.

Based on this review, the City is recommending the following:

- Amend the Pay Plan hourly rates for lifeguards, rescue swimmers, and beach patrol lieutenant positions, and the pay grade for the ocean rescue supervisor to make them competitive with neighboring communities.
- Amend the Pay Plan to provide additional pay for lifeguards and rescue swimmers who work a minimum of 300 hours between the months of May and September.
- Shorten the training program to become a lifeguard for the City from twelve weeks to eight weeks.

Mr. Doherty inquired whether the recruits are paid while they go through the training program. Mr. Forbes stated they reduced the training weeks from 12 to 8 weeks to help streamline the process. However, they do not receive pay for their training.

Mr. Forbes stated when the Pay Plan was approved on December 19, 2016; the Police Chief position was inadvertently omitted from the positions eligible for a car allowance. The Pay Plan is being amended to include the Police Chief position as an eligible position for a car allowance.

Mr. Forbes explained the Purchasing Administrator position was previously removed from the Pay Plan on March 1, 2015, due to the reorganization of the Property and Procurement Division at that time. It is being recommended that this position is reinstated in the Pay Plan to allow for the possible restructuring of the division in the future. The reinstatement of this position does not increase the number of authorized positions or add any additional cost to the division.

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

ORDINANCES:

(a) Item # 17-083, ORDINANCE NO. 2017-8088, First Reading

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8088 (First Reading), by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; AMENDING CHAPTER 5, "ANIMALS AND FOWL," ARTICLE III. - DOGS AND CATS, DIVISION 1. - IN GENERAL, SECTION 5-24 "DANGEROUS DOGS," SECTION 5-24.1 "ATTACK OR BITE BY DANGEROUS DOG."; AMENDING TO APPEAL TO THE CIRCUIT COURT AND NOT COUNTY COURT, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt City Ordinance No. 2017-8088 amending specified sections of Chapter 5, Section 5-24, “Dangerous dogs” and Section 5-24.1 “Attack or bite by dangerous dog.”

Mr. Forbes stated that Section 5-24 of the City’s Code of Ordinances specifies the time allowed to the owner of a dog that has been declared dangerous to appeal the classification to a court. The current ordinance allows 10 business days to file an appeal. In 2016, state law was modified to now allow a person to utilize the Florida Rules of Appellate Procedure when filing an appeal. These rules allow 30 days. In addition, the appellant must file their appeal with the Circuit Court and not the County Court. Additionally, changes were made to assure that the sections comply with the Florida State Statutes that govern dangerous dogs issues and to remove the ability of the dog owner to submit written statements in lieu of attendance at the hearing. This change was made to assure due process at special magistrate hearings and to give interested parties the ability to cross-examine dog owners.

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

(b) Item # 17-084, ORDINANCE NO. 2016-8082, First Reading

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8082 (First Reading), by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO REPEAL IN ITS ENTIRETY CHAPTER 18 "NOISE", OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AND REPLACING IT WITH A NEW CHAPTER 18, THAT INCLUDES SECTION 18-7 "LOW VOLUME OUTDOOR AMPLIFIED AND ACOUSTIC SOUND", PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR

SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance 2016-8082, which repeals the existing Chapter 18 Noise in its entirety, and replaces it with a new chapter on noise that includes a section on Low Volume Outdoor Amplified and Acoustic Sound Permits.

Mr. Forbes reported the Downtown Action Plan directed staff to research and present an ordinance that would allow establishments that provide outdoor dining to play music at low volume.

The result is the new section of the Code of Ordinances, Section 18-7, “Low Volume Outdoor and Acoustic Sound.” This allows for outdoor dining with background sound played at low volume. This is a pilot project that expires on June 5, 2018, unless re-adopted by the City Council.

Low volume is defined in the ordinance as “sound played at a level such that a person outside of the property line of the source of the sound, speaking in a normal tone of voice, is plainly audible and can be heard clearly and understandably by another person standing a maximum of thirty-six inches (36”) away from the person speaking, without the aid of a listening device.”

Section 18-7(4)(i) would allow the current 16 businesses permitted under the 2002 Outdoor Sound Amplification Permit ordinance to be “grandfathered,” to operate under that portion of the ordinance. However, any change in the ownership, name, or location of the business would immediately terminate their grandfathered permit. They could only obtain a new outdoor sound permit under the new low volume sound standards (18-7(g)). Violations of the ordinance would go before the Special Magistrate for a hearing.

Speaker:

- James Sorrell, 1410 Pinewood Road, Jacksonville Beach stated he felt that it is premature to bring this before City Council and suggested bringing this back to the City Council when the projects downtown were completed. He expressed his concerns that there may be a need for additional law enforcement efforts to get compliance with the ordinance.

Mr. Vogelsang recommended the following changes to be made to Ordinances:

- Section 18-5(a)(2), page 9, move the term “Reasonable Time” to Section 18-3(a) – Definitions.
- Section 18-7(b)(4)(g), page 14, to remove the phrase “the following day.”

Amended Motion: It was moved by Mr. Vogelsang, seconded by Ms. Hoffman, and passed unanimously to remove the phrase “the following day.” from Page 14, Section 18-7(b)(4)(g).

Mr. Forbes advised the recommendation to move the term “Reasonable Time” to Section 18-3 “Definitions” would be reviewed by the City Attorney.

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

(c) **Item # 17-085, ORDINANCE NO. 2017-8089, First Reading (Public Hearing)**

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8089 (First Reading), by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO AMEND REDEVELOPMENT DISTRICT: RD ORDINANCE NO. 2016-8070, 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. (This amends the currently approved RD ordinance governing the property at the northwest corner of 1st Street North and 6th Avenue North by increasing the number of hotel rooms and by providing a revised site plan and building elevation drawing)”

Mayor Latham read the following into the record:

“This ordinance for the *Redevelopment District: RD* rezoning of a property is before this Council for a public hearing and consideration on its first reading. Under the laws of the State of Florida, an application to amend the zoning regulations or map 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 his or her 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 rezoning 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, Planning Commission, and Community Redevelopment Agency recommendations on this rezoning request.”

Mayor Latham opened the public hearing on Ordinance No. 2017-8089 at 8:47 P.M.

Mayor Latham asked if the applicant or the applicant's spokesperson would like to make a presentation:

Scott Gay, representing Dolphin Depot, LLC, 814 North First Street, #101, Jacksonville Beach, spoke on the revised site plan and elevation drawings. He reported that he took the original site plans to their builders, conducted a hotel study and determined the plans needed to be refined. He discussed the changes made to the site plans to include reducing driveway curb cuts on 7th Avenue North from 2 to 1 and moved the 6th Avenue North portion of the building to be more compliant with the City's Vision Plan. The plans reflect increasing the hotel rooms from 36 to 57 and increasing the parking spaces from 164 to 193. He noted they also reduced the size of hotel rooms to approximately 450-550 square feet.

Mayor Latham asked the City Clerk if any speaker cards were received on this matter. She responded by stating none had been received.

Mayor Latham closed the public hearing at 8:52 P.M.

Ex parte communications:

Mayor Latham read the following statement:

"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."

Mayor Latham asked Council Members if they received any Ex Parte Communications in this matter.

No Ex Parte Communications were received by the Mayor or Council Members.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2017-8089, to amend Redevelopment District: RD Ordinance No. 2016-8070 governing the property located on the northwest corner of 1st Street North and 6th Avenue North.

Mayor Latham read the following statement:

"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. Vogelsang asked Mr. Gay did the previous plans have two retail spaces or has it always been just one? Mr. Gay responded by stating there is a 2,500 square-foot area

of retail space located in the Apartment Lobby on the corner of 1st Street North and 6th Avenue North.

Mr. Thomason noted several scrivener's errors in the Ordinance. Mr. Forbes stated they would be corrected by the second reading of the Ordinance.

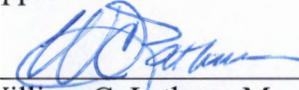
Roll call vote: Ayes – Doherty, Hoffman, Thomason, Vogelsang, Wilson, Buck, and Mayor Latham. The motion carried unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:55 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, Mayor

Date:

6/5/17