

**Minutes of Regular City Council Meeting  
held Monday August 7, 2017, 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 ( <i>absent</i> )	Christine Hoffman
	Bruce Thomason	Phil Vogelsang	Jeanell Wilson

Also present were City Manager George Forbes, City Clerk Laurie Scott, Planning and Development Director Bill Mann, Parks and Recreation Director Jason Phitides, Assistant City Clerk Genelee McLawhorn, 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 July 17, 2017

**ANNOUNCEMENTS**

**COURTESY OF THE FLOOR TO VISITORS**

**Speakers:**

- Casey Jones, 358 11<sup>th</sup> Street, Atlantic Beach, spoke regarding sea turtle protection. He submitted three pictures to the City Clerk for Council to examine. [copies on file]

**MAYOR AND CITY COUNCIL**

**(a) Item # 17-127, Presentation of Proclamation of Esteem - Officer Cooper**

Because of his selfless service and positive influence on our city; in particular, the Pablo Beach neighborhood, Mayor Latham presented Officer Anthony Michael Cooper with a Proclamation of Esteem.

**(b) Item # 17-128, Employee of the Quarter Presentation - Wayne Hughes**

Mayor Latham presented Wayne Hughes of Beaches Energy Service with the Outstanding Employee Award for the second quarter of 2017.

**CITY CLERK**

**CITY MANAGER**

**(a) Item # 17-129, Authorize the Mayor and City Manager to Execute the Utility Work Agreement between Beaches Energy Services and the Florida Department of Transportation (FDOT) for Reimbursement for Relocation of Electric Facilities in the Amount of \$92,000**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the execution of the Utility Work Agreement between Beaches Energy Services and the Florida Department of Transportation (FDOT) for reimbursement to Beaches Energy Services for relocation of electric utilities. Authorize the Mayor and City Manager to sign the Agreement.

Mr. Forbes gave a summary of the Agreement with the Florida Department of Transportation and the reimbursement for relocating the Beaches Utilities located along the right of way of the A1A Drainage Project.

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

**(b) Item # 17-130, Adopt Special Event Policy**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt the Special Event Policy dated July 13, 2017.

Mr. Forbes summarized the changes to the Special Event Policy as previously discussed in the Special Events Workshop on July 12, 2017, as follows:

- Clarification of language addressing City Staff and City Council Member involvement in special events
- Limiting event length to two consecutive days from October through February, and one consecutive day from March through September; with the exceptions of Springing the Blues, which is two days, and the Air Show, which is three days.

**Speakers:**

- Charles Wagoner, 1401 River Place Boulevard #2508, Jacksonville, producer of the Beaches Oktoberfest, explained how the changes to the policy would negatively affect his agency's event production and overall success due to the proposed two-day limit in the month of October.
- Sam Veal, 209 South 3<sup>rd</sup> Street, Jacksonville Beach, Founder and Executive Producer for Springing the Blues, thanked the City Council for their consideration of the exception for this event.

Ms. Wilson stated her support of the three-day exception to the Springing the Blues because of the twenty-seven-year history of the event. Furthermore, Ms. Wilson supports the enforcement of Special Event fees as it encourages fair, equitable opportunities for all festivals.

**Amended Motion:** It was moved by Ms. Wilson and seconded by Mr. Thomason, to approve the Special Event Policy with the exception of Springing the Blues, which is three (3) days; and the Air Show, which is three (3) days; with the city not giving any monetary or in-kind contributions toward the Springing the Blues.

Ms. Hoffman stated she did not support the motion as amended by Ms. Wilson because of the inclusion of the Air Show, as there is a considerable amount of in-kind donations made to the event.

Ms. Wilson stated the council should remove the Air Show as it is already exempt.

Mr. Buck asked the City Attorney if legally the exception of specific events was allowed and under what circumstances.

Ms. Susan Erdelyi, City Attorney, affirmed that exceptions could be allowed and stated the motion would need to include the reason for the exception that distinguished it from other events.

Mr. Buck stated he would like the record to reflect that the reason he was voting in favor of this motion is that this event was the City's first festival of this type. The Springing the Blues festival has been held for twenty-six years. It is a signature event for Jacksonville Beach. Jacksonville Beach also provided the funding for the event for twenty-six years.

**(Amended Motion) Roll call vote:** Ayes – Thomason, Wilson, Buck, and Mayor Latham.

Nays – Hoffman

Mr. Vogelsang abstained from the vote. He is a partner in an LLC with Mr. Woolsey. [Form 8b on file] The motion carried 4-1.

It was moved by Mr. Thomason, seconded by Ms. Wilson, and passed unanimously, to approve the following updates to the Special Events Policy on page 19, Section E 'General Rules' No.2, to read exactly as follows:

- Page 19, Section E, titled, 'General Rules' #2. "The following limitations will apply to the sale, distribution and/or consumption of alcohol:"

**(Original Motion) Roll call vote:** Ayes – Thomason, Wilson, Buck, Hoffman, and Mayor Latham.

Abstained - Mr. Vogelsang

The motion carried unanimously.

**(c) Item # 17-131, Approve the Installation of Artificial K-9 Turf at the Large Dog Park**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the installation of Artificial K-9 Turf at the large dog park as described in the memorandum from the Director of Parks and Recreation dated July 24, 2017.

Mr. Forbes explained the artificial K-9 Turf is designed especially for use in dog parks. It is soft on the paws, thoroughly permeable to urine and needs very little maintenance. Unlike real grass, artificial K-9 Turf is completely resistant to damage, does not get muddy, and looks neat all year round. It is also cooler than asphalt or crushed granite and does not heat up like the rubber that was used in Astro Turf. It is safe, easy to clean and durable.

Additionally, Mr. Forbes introduced Mr. Heinz, whose family donated half of the cost of the installation of the turf. (\$75,000)

Mr. Vogelsang and Mr. Thomason stated their support and appreciation for the Josh Heinz Foundation and introduced Jim and Maryann Heinz, and their daughter Jennifer, who were all present at the meeting.

**Speakers:**

- Deborah Cassidy, 13756 Shady Woods Street North, Jacksonville, stated her support for the installation of the half sand, half crushed volcanic rock artificial turf.
- Sandy Golding, 1203 18<sup>th</sup> Avenue North, Jacksonville Beach, thanked the Heinz family for their contributions to the Paws Park.

The following did not wish to address the Council, but are in favor of the agenda item:

- Helann Sweeney, 1703 18<sup>th</sup> Avenue North, Jacksonville Beach, FL
- Marie Bingham, 38 Coral Way, Jacksonville Beach, FL
- Shelby Everitt, 57 Jardin de Mer Place, Jacksonville Beach, FL

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

**RESOLUTIONS:**

**(a) Item # 17-132, RESOLUTION NO. 1986-2017**

Mayor Latham requested that the City Clerk read Resolution No. 1986-2017, by title only, whereupon Ms. Scott read the following:

**“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING RATES, CHARGES, AND FEES FOR THE SMALL AND LARGE DOG PARKS LOCATED AT PAWS PARK.”**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution Number 1986-2017, establishing annual membership fees for the dog park located at Paws Park in Jacksonville Beach.

The City Manager explained that the intent was to set aside the monies in fees in a separate account to pay for the replacement of the artificial turf in about ten years.

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

**(b) Item # 17-133, RESOLUTION NO. 1980-2017**

Mayor Latham requested that the City Clerk read Resolution No. 1980-2017, by title only, whereupon Ms. Scott read the following:

**“RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING NEW GOLF COURSE FEES, AND ESTABLISHING DEFINITIONS AND GUIDELINES FOR THE GOLF OPERATION ”**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution Number 1980-2017, establishing rates for the Jacksonville Beach Golf Course.

Mr. Forbes said the goal is to improve the competitive position and financial condition of the City of Jacksonville Beach’s 18-hole golf course and driving range.

Mayor Latham, Mr. Vogelsang, and Ms. Hoffman stated their support.

Ms. Wilson said the rates are well warranted and needed.

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

**ORDINANCES:**

**(a) Item # 17-134, ORDINANCE NO. 2017-8090 (Second Reading) (Public Hearing)**

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8090, by title only, whereupon Ms. Scott read the following:

**“AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE VII. ZONING DISTRICTS, DIVISION 2, SECTION 34-346. INDUSTRIAL: I-1, PARAGRAPH (D) CONDITIONAL USES TO ADD “FIREARMS MANUFACTURING AND RETAIL SALES” AS SUBPARAGRAPH (12); TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.”**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance Number 2017-8090, amending Land Development Code Article VII, Division 2, Section 34-346, Paragraph (d) to add “Firearms manufacturing and retail sales” to the list of conditional uses in *Industrial: I-1* zoning districts.

Mr. Forbes stated that this would be adding firearms manufacturing and retail sales to the uses in *Industrial I-1* zoning districts. Conditional use means that if it meets the conditions in the zoning code that the permit must be granted. If it doesn’t meet the conditions, it doesn’t need to be granted.

**Speakers:**

- David Dick, 1813 Mauva Juan Avenue, Jacksonville, made himself available to answer any questions.
- Chuck McCue, 1908 A1A, Neptune Beach, spoke in favor of the agenda item.
- Tony Komarek, 533 11<sup>th</sup> Avenue South, Jacksonville Beach, stated he does not support retail sales in an industrial zone.

The following did not wish to address the Council, but are *in favor* of the agenda item:

- Melissa Dick, 1813 Mauva Juan Avenue, Jacksonville

**Discussion:**

Susan Erdelyi, City Attorney, readdressed the preemption of local governments from regulating the sale or manufacture of firearms in Florida State Statutes, Chapter 790, "Weapons and Firearms," and stated the approval of this amendment to the ordinance approves the location only.

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

**(b) Item # 17-135, ORDINANCE NO. 2017-8091 (Second Reading) (Public Hearing)**

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8091, by title only, whereupon Ms. Scott read the following:

**"AN ORDINANCE TO AMEND ORDINANCE NO. 2011 8012, ADOPTING THE 2030 COMPREHENSIVE PLAN FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY REVISING THE TEXT OF FUTURE LAND USE POLICY LU 1.2.7; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (Allows the Floor Area Ratio for the Beaches Baptist Hospital to be changed to .55)"**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance Number 2017- 8091, adopting a text amendment to the Future Land Use Element of the Jacksonville Beach 2030 Comprehensive Plan.

Mr. Forbes said that to fully utilize the hospital's vested development rights regarding overall building square footage and hospital beds, the applicant has proposed to increase the allowable Floor to Area Ratio from 0.35 to 0.55.

**Speakers:**

There were no requests to speak on this item.

**Discussion:**

Mayor Latham requested a roll call vote, as there was no discussion on the item.

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

(c) **Item # 17-136, ORDINANCE NO. 2017-8092 (Second Reading) (Public Hearing)**

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8092, by title only, whereupon Ms. Scott read the following:

**“AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE VII. ZONING DISTRICTS, DIVISION 2, SECTION 34 344. COMMERCIAL SERVICE: CS, PARAGRAPH (B) PERMITTED USES TO ADD "COMMERCIAL ART, PHOTOGRAPHY AND STENOGRAPHIC SERVICES" TO SUBPARAGRAPH (12); TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES. (Allows Commercial Art, Photography and Stenographic Services as a permitted use in a Commercial Service Zone)”**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance Number 2017-8092, amending the Land Development Code by adding “Commercial art, photography and stenographic services” to the list of permitted Business Service Establishment uses in the City’s *Commercial Service: CS* zoning district.

Mr. Forbes said the only change requested is the addition of commercial art, photography, and stenographic services as permitted uses in the *Commercial service: CS* zoning district.

**Speakers:**

There were no requests to speak on this item.

**Discussion:**

Mayor Latham requested a roll call vote, as there was no discussion on the item.

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

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:10 P.M.

Submitted by: Laurie Scott  
City Clerk

Approval:

  
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William C. Latham, MAYOR

Date

8/21/2017