

**Minutes of Regular City Council Meeting
held Monday, November 20, 2017, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES

A moment of silence was held in memory of Mrs. Patricia Borno, followed by the salute to the flag.

CALL TO ORDER

Mayor Latham called the meeting to order at 7:05 P.M.

ROLL CALL

Mayor: William C. Latham

Council Members: Lee Buck Keith Doherty Christine Hoffman
Bruce Thomason (*absent*) Phil Vogelsang Jeanell Wilson

Also present were City Manager George Forbes, Planning and Development Director Bill Mann, Chief Financial Officer Karen Nelson, City Clerk Laurie Scott, Director of Beaches Energy Allen Putnam, Director of Parks and Recreation Jason Phitides, 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 November 6, 2017

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

- Kurtis Loftus, 348 Aquatic Drive, Atlantic Beach, spoke regarding the upcoming event, Deck the Chairs.

MAYOR AND CITY COUNCIL

(a) Item #17-194 - Presentation of Resolution of Esteem to Terry DeLoach

Mayor Latham recognized Terry DeLoach for his dedicated service to the City while serving on the Planning Commission from June 20, 1994, until June 26, 2017.

(b) Item #17-195 - Employee of the Quarter Presentation - Phil Brown

Mayor Latham presented Phil Brown of Public Works with the Outstanding Employee Award for the third quarter of 2017.

CITY CLERK

CITY MANAGER

- (a) **Item #17-196 - Accept the monthly financial reports for the month of October 2017**

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

Discussion: Chief Financial Officer, Karen Nelson, clarified Ms. Hoffman's concern regarding the electrical variance as Capital Expenditures relating to the Guana sub-station.

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

- (b) **Item #17-197 - Authorize the City to Renew the Agreement with Other Water Utilities to Continue the Assessment of Groundwater Resource Sustainability in Northeast Florida**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize the City Manager to execute the Memorandum of Agreement between the City of Jacksonville Beach and other Northeast Florida water utilities to assess groundwater resource sustainability as described in the memorandum from the Public Works Director dated November 8, 2017.

Discussion: Mr. Forbes explained that we are currently in a group with other regional cities evaluating the long-term sustainability of groundwater resources to make sure we have enough for the future. The proposed agreement is for three (3) years and would expire on September 30, 2020. This collaborative effort has been crucial in communicating the concerns of the utilities for using the best science available and developing more accurate groundwater models.

One of the main concerns is the minimum flow levels for the lakes and making sure the levels do not have a negative impact on our area. It is anticipated that stricter limits for water withdrawals would be set in the future.

Mr. Forbes said the JEA administered the contract and costs are estimated \$1.5 million over three years, Jacksonville Beach's share is 1.62% or \$24,282 or \$8,094 per year.

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

(c) Item #17-198 - Approve the Purchase of One Single Drum Overhead Cable Puller, One Underground Cable Puller, and One Three Wheel Turret Trailer from Sole Source Provider Sherman + Reilly

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the purchase of one (1) PT-3000 Single Drum Overhead Cable Puller, one (1) DDHXA-75 Underground Cable Puller, and one (1) TRT-384/60 Three Wheel Turret Trailer from sole source provider Sherman + Reilly, as described in a memo from Allen Putnam, Director of Beaches Energy Services dated November 8, 2017.

Discussion: Mr. Forbes stated the cable pullers are necessary to pull the cable through underground conduit or overhead poles while the trailer holds the cable. Beaches Energy Services uses various pieces of specialized equipment to install and maintain its electrical infrastructure. In spite of high usage, proper care and maintenance have allowed this equipment to last in the range of twenty to forty-three years.

Director of Beaches Energy, Allen Putnam, explained the reason the equipment cannot be purchased anywhere else is the safety feature provided with the control of the tension.

Mr. Putnam answered Mr. Doherty's and Ms. Wilson's maintenance inquiries by explaining there is a five-year warranty through Sherman + Reilly but the regular maintenance on the equipment is completed in the City garage. There is no annual fee for the equipment with Sherman +Reilly.

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

(d) Item #17-199 - Award Bid No. 1617-19 Golf Course Pump Station Replacement to the Lowest Responsive Bidder, Pro Pump and Controls, Inc.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Bid No. 1617-19 Golf Course Pump Station Replacement to the lowest responsive bidder, Pro Pump and Controls, Inc., in the amount of \$161,212, as described in the memorandum from the Parks and Recreation Director dated November 9, 2017.

Discussion: Mr. Forbes said the 16-year-old pump station located on the Golf Course is used for irrigation throughout the course, as well as the ball fields at Wingate Park, the Central Stormwater Basin park area, the O&M Building, Police Department, both cemeteries, South Beach Park, and the medians along Jacksonville Drive and South Beach Parkway. The station pumps between 400,000 to 500,000 gallons of reuse water per day, depending on the season.

Mr. Vogelsang asked if the pumps would be used to water the greens and if the budget included the price for putting in a well. Mr. Forbes responded no, but it would be used to water the fairways, and the golf budget does include the construction of a well.

Jason Phitides, Director of Parks and Recreation, explained they have been looking for a more cost-effective way to water the greens, and they have not ruled out the idea of using the reuse water. The well pump is included in the budget.

Mr. Vogelsang stated he would like to err on the side of caution with the water used on the green by using well water instead of reuse water.

Mr. Phitides answered Mr. Doherty's question about the timeline by stating the start date would be mid-January, with the pump taking about twelve weeks to complete. He added the construction of the pump would not be affected by the construction of the golf course.

Mr. Buck expressed his concern over the water used on the greens and encouraged the filtration of harmful ingredients.

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

RESOLUTIONS:

Item # 17-200 - RESOLUTION NO. 1996-2017

Mayor Latham requested that the City Clerk read Resolution No. 1996-2017, by title only, whereupon Ms. Scott read the following:

“A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY ONLINE.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 1996-2017, a resolution providing for the sale of surplus property online.

Discussion: Mr. Forbes explained that about every six months, the City accumulates vehicles and equipment that are no longer useful to the City, and the City Council must declare the items surplus to authorize their sale at public auction. The Property and Procurement Division plans to advertise the auction on the City's website and in the Beaches Leader.

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

ORDINANCES:

Item #17-191 - ORDINANCE NO. 2017-8098 (Second Reading) (Public Hearing)

Mayor Latham addressed the Council regarding his concern for the zoning criteria for pharmacies. He explained the intent of Ordinance Number 2017-8098 was not to ban the dispensing of medicinal marijuana, but rather to redefine what zoning would be most appropriate for Jacksonville Beach.

Mayor Latham proposed dropping the ordinance, going to a six-month moratorium extension to allow for the Mayor, City Manager, and our lobbyist to work with the state legislature to get the ability to zone this only in C-2 zoning districts. In C-2, it would keep the dispensaries in a commercial zone and away from residential areas. If we were to do that, it would alleviate most of the Council's concerns as there would be a less exposed residential market.

Ms. Wilson and Mr. Buck agreed that there had been a lot of misinformation on the subject. The independent, free-standing pharmacies could be problematic outside of the C-2 zone.

Mr. Doherty said he would not support a six-month moratorium and it was their civic duty to support the voters.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to put a moratorium for six months from today on this and rediscuss after the legislative session has ended.

Mr. Forbes made a point of order that the original moratorium was done by ordinance. Based on the motion, it would direct the city attorney to bring back the ordinance or whatever action is necessary.

Mr. Vogelsang requested to include six months from today, not the date in the future.

Modified Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to modify the motion to include to direct the city attorney to draw up an ordinance or documents necessary for a six-month moratorium.

Voice Vote: Ayes – Buck, Wilson, Hoffman, Vogelsang, and Mayor Latham
Nays – Doherty
The motion passed 5-1.

Mayor Latham opened the Public Hearing at 8:05 P.M.

Speakers:

The following individuals addressed the Council in support of the agenda item:

- Jim Overby, 21 Burling Way, Jacksonville Beach, FL

The following individuals addressed the Council in opposition to the agenda item:

- Danny Hanson, 422 17th Avenue North, Jacksonville Beach, FL
- Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach, FL
- Jon McGowan, 5 North 17th Avenue, #401, Jacksonville Beach, FL
- Marc Ressler, 176 Crossroad Lakes Drive, Ponte Vedra Beach, FL
- Gary Stein, 7035 Belt Lane Loop, Wesley Chapel, FL
- Brett Puffenburger, 871 11 Ballard Street, Altamonte, FL
- Trey Thompson, 522 3rd Avenue South, Jacksonville Beach, FL
- Carrie McClain, 415 4th Avenue North, Jacksonville Beach, FL
- Kylan Knight, 415 4th Avenue North, Jacksonville Beach, FL
- Ashley Peebles, 811 2nd Street South, Jacksonville Beach, FL
- Jesse Dasher, 114 Winter Ridge Drive, Winter Haven, FL
- Emily Phillips, 6229 Chapel Pines Boulevard, Wesley Chapel, FL
- Barbara McClain, 210 11th Avenue North, #1015, Jacksonville Beach, FL
- Patricia Freitag, 5536 Paradise Drive, New Port Richey, FL
- William Phillips, 7117 Southwest Arche Road, Gainesville, FL
- Christina Suskin, 840 Bert Road, #A202, Jacksonville, FL
- Jonathan Carr, 11584 Alexis Forest Drive, Jacksonville, FL
- Grace Parker, 3890 Summer Grove Ways, Jacksonville, FL
- Jean Lijoi, 103 Dolphin Boulevard, Ponte Vedra Beach, FL
- Peter Booras, 2897 Canyon Falls Dr, Jacksonville, FL
- Steve Morone, 5526 Gable Lane, Jacksonville, FL
- Danny McClain, 210 11th Avenue North, Jacksonville Beach, FL
- Scott Zabbek, 3601 Fountain Mist Drive, Tampa, FL
- Trey and Mary Phillips, 934 10th Street North, Jacksonville Beach, FL

The following individuals did not wish to address the Council, but opposed the agenda item:

- Marie Bingham, 38 Coral Way, Jacksonville Beach, FL

Mayor Latham closed the Public Hearing at 9:30 P.M.

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8098, by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING ARTICLE VIII. SUPPLEMENTAL STANDARDS, DIVISION 2, CREATING A NEW SECTION 34-408 MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES PROHIBITED FOR THE INCORPORATED AREA OF THE CITY, AS AUTHORIZED BY CHAPTER 163.3202 AND 381.986, FLORIDA STATUTES, ADDING DEFINITIONS FOR "MEDICAL MARIJUANA TREATMENT CENTER" AND "MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITY" TO ARTICLE IV, DEFINITIONS LAND DEVELOPMENT CODE OF THE CITY; AND PROVIDING FOR CODIFICATION, MORATORIUM CONTINGENCY; SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2017-8098, amending the Land Development Code by adding new definitions to Section 34-41, and adding a new Section 34-408 Prohibiting Medical Marijuana Treatment Center Dispensing Facilities from locating within the City of Jacksonville Beach.

Discussion: Mayor Latham stated he would be voting against the original ordinance to ban medical marijuana dispensaries and continue to support the secondary motion to have the City Attorney move forward with drafting a moratorium.

Roll Call Vote: Ayes – Buck

Nays – Doherty, Hoffman, Vogelsang, Wilson, and Mayor Latham.
The motion failed 1-5.

Motion: It was moved by Ms. Wilson and seconded by Mr. Buck, to direct our City Attorney to enact in a moratorium for six months from this date so that we can study the issue and get more definition as to what we want to do in the City (*as far as*) for dispensaries only.

Ms. Hoffman asked where the City would stand if the preceding vote were tied.

Mr. Forbes stated as of right now, we allow pharmacies, but medical marijuana treatment facilities are not a permitted use so the City Attorney would need to prepare an Ordinance to allow medical marijuana dispensaries as a permitted use in Commercial Zones.

Mr. Buck said he supports medical marijuana and is in favor of the moratorium.

Mr. Vogelsang, Mr. Doherty, and Ms. Hoffman stated their support to move forward with drafting enabling legislation and that they would not be voting in favor of the moratorium.

Mr. Forbes said the City Council has already voted on, and approved a six-month moratorium and given the number of Council Members who are opposed, a motion to reconsider the six-month ban needs to be made, and, if approved, the Council would have another opportunity to discuss and revote.

No Vote

Motion to Reconsider: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to reconsider the previous vote on the six-month moratorium.

Roll Call Vote: Ayes – Doherty, Hoffman, Vogelsang, and Buck
Nays – Wilson and Mayor Latham
The motion carried 4-2.

Mr. Vogelsang clarified they voted on a motion to reconsider and start over so there would be no motions on the table.

Motion: It was moved by Ms. Wilson, and seconded by Mr. Buck, to authorize the City Attorney to draw a six-month moratorium for dispensaries starting for another six months as of today.

Roll Call Vote: Ayes – Wilson, Buck, and Mayor Latham
Nays – Hoffman, Vogelsang, and Doherty
The motion failed 3-3.

Mr. Forbes clarified that he would bring back more than one option for the City Council to consider, to include (a) continuing the moratorium, and (b) enabling legislation.

ADJOURNMENT:

There being no further business, the meeting adjourned at 10:00 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: 12/4/17