

**Minutes of Regular City Council Meeting
held Monday, December 18, 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 Coach John ‘Wimpy’ Sutton, 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 Phil Vogelsang (*absent*) Jeanell Wilson

Also present were City Manager George Forbes, Deputy City Manager Trish Roberts, Chief Financial Officer Karen Nelson, Planning, and Development Director Bill Mann, Director of Public Works Ty Edwards, Beaches Energy Director Allen Putnam, 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 December 4, 2017
- Regular City Council Meeting held December 4, 2017

ANNOUNCEMENTS

Mayor Latham recognized Kyle Watson, Scout Troop 215, who was attending tonight’s meeting as part of earning his Citizens in the Community badge.

COURTESY OF THE FLOOR TO VISITORS

- Jon McGowan, 5 North 17th Avenue, #401, Jacksonville Beach, provided a brief update on the *Better Jax Beach* Art Walk and Car Show, and the progress of online candidate financial submissions, as referenced in Resolution 1993-2017.

MAYOR AND CITY COUNCIL

The Mayor presented Chief Financial Officer, Karen Nelson, with the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association.

CITY CLERK

CITY MANAGER

- (a) **Item #17-217 - Accept the Monthly Financial Reports for the Month of November 2017**

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

Discussion: Mayor Latham called for a voice vote, as there was no discussion on the agenda item.

- (b) **Item #17-218 - Ratify the Collective Bargaining Agreement with the Florida State Lodge, Fraternal Order of Police, Effective October 1, 2017**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to ratify the three-year Collective Bargaining Agreement with the Florida State Lodge, Fraternal Order of Police, effective October 1, 2017.

Summary: Mr. Forbes said the City had twelve negotiating sessions with the FOP and the union recently held a vote among its members and ratified the agreement. Major provisions of the agreement are as follows:

- A three-year contract effective October 1, 2017, and expiring September 30, 2020.
- Provides for a merit-based step increase upon annual evaluation as employees advance through the Pay Grade Schedule. The increase is based on whether the employee “meets” or “exceeds” expectations.
- Increases the Pay Grade Schedules by 4% effective October 1, 2018, and by 4% effective October 1, 2019.
- Provides for a lump sum award, based on merit, of 2%-3% for employees who have reached the maximum rate assigned to each pay grade.
- **Speakers:**

John Galarnau, 2002 Grove Street, Jacksonville Beach, stated his support of the Agreement to better the recruiting and retention of Jacksonville Beach Police Officers.

Discussion: Mayor Latham, Mr. Thomason, and Mr. Doherty stated their support of the Agreement and thanked the Jacksonville Beach Police Department for their hard work and professionalism, especially given the current climate.

Mayor Latham thanked the Police Department for their ability to manage difficult situations while attaining the highest level of customer service standards.

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

(c) Item #17-219 - Award Bid Number 1617-15 Package for Expansion of Beaches Energy Services (BES) Guana Substation.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Bid 1617-15 - Package for the Expansion of the Beaches Energy Services Guana Substation to the lowest responsive bidder, MD Henry Company.

Summary: Mr. Forbes explained the primary goal for any electric utility is to provide highly reliable electric service to its customers. In 2016, our post-storm analysis of Hurricane Matthew revealed a weak point in our substation configuration. We determined that we have insufficient power transformer capacity at the Guana substation in the event the Ft. Diego substation experiences an extended outage. This is important considering Ft. Diego substation's proximity to the Intracoastal Waterway.

For this reason, the Beaches Energy Services Capital Improvement Plan for FY2017-2018 includes the expansion of the Guana substation by adding a second power transformer in a ring-bus configuration.

Discussion: Director of Beaches Energy, Allen Putnam, stated the first two bid submissions provided alternatives rather than specifically identified pricing for the materials identified within the bid solicitation document, and did not include transportation cost to the Guana substation.

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

ORDINANCES:

(a) Item #17-220 - ORDINANCE NO. 2017-8100 (First Reading)

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8100, 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 II. - DOGS AND CATS, DIVISION 1. - IN GENERAL, SECTION 5-33 "DOGS ON THE BEACH; REQUIREMENTS AND HOURS" SECTION 5-33(a)(b), 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 Adopt City Ordinance 2017-8100, amending sections of 5-33, "Dogs on the beach; requirements and hours" of the Code of Ordinances of the City of Jacksonville Beach, Florida.

Summary: Mr. Forbes said several citizens have asked the City to review the dogs on the beach ordinance and requested if it could be less restrictive in the wintertime when the beach is not as crowded. Neptune Beach recently did a similar review, and this ordinance is very similar to the new regulations Neptune Beach adopted.

The proposed ordinance would change regulations to allow dogs on the beach anytime during Eastern Standard Time (EST). Eastern Standard Time is from the first Sunday in November to the second Sunday in March. During Eastern Daylight Time (EDT), the regulations only allow dogs on the beach from 5:00 P.M. to 9:00 A.M. It also requires dogs to be on a leash not more than 16 feet in length, and the owner must carry suitable materials to clean up any waste from their dog.

Speakers:

- Mary Phillips, 934 10th Street North, Jacksonville Beach, spoke in favor of the seasonal hour adjustment for dogs on the beach.

The following individuals were in support of the agenda item but did not wish to address the council:

- Lisa Grossman, 851 14th Avenue North, Jacksonville Beach
- Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach
- Susan Bashford, 702 9th Avenue North, Jacksonville Beach
- Michelle Neary, 1004 7th Street North, Jacksonville Beach
- Sarah Condon, 500 9th Avenue North, Jacksonville Beach
- Trey Phillips, 934 10th Street North, Jacksonville Beach
- Margo Castro, 602 13th Avenue North, Jacksonville Beach
- Pamela Bourne, 802 6th Street North, Jacksonville Beach

Discussion: Alternatively, Mr. Forbes suggested an option to allow dogs on the Atlantic Ocean Beach adjacent to the City during the following time periods:

- At any hour from October 1 through March 31; and,
- During the hours of 5:00 P.M. through 9:00 A.M., from April 1 through September 30.

Amended Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, and passed unanimously, to amend the Ordinance as it was written [to change the hours to any hour from October 1 through March 31; and, during the hours of 5:00 P.M. through 9:00 A.M., from April 1 through September 30].

Mayor Latham called for a voice vote on the amended motion. The amended motion passed unanimously.

Discussion: Mayor Latham and Ms. Hoffman stated their support for the ordinance changes.

Motion Roll call vote: Ayes – Hoffman, Thomason, Wilson, Buck, Doherty, and Mayor Latham.
The motion, as amended, passed unanimously.

(b) Item #17-221 - ORDINANCE NO. 2017-8101 (First Reading) (Public Hearing)

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8101, 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, TO ADD DEFINITIONS FOR "PERSONAL WIRELESS SERVICE," "PERSONAL WIRELESS SERVICE FACILITY OR PERSONAL WIRELESS SERVICE FACILITIES" AND "PERSONAL WIRELESS SERVICE PROVIDER" TO ARTICLE IV, DEFINITIONS OF THE LAND DEVELOPMENT CODE OF THE CITY OF JACKSONVILLE BEACH; AND BY AMENDING ARTICLE VIII, DIVISION 2, SUPPLEMENTAL STANDARDS BY CREATING A NEW SECTION 34-409. PERSONAL WIRELESS FACILITIES, AND A NEW SECTION 34-410. PERSONAL WIRELESS FACILITY DEVELOPMENT STANDARDS; 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 No. 2017-8101, amending the Land Development Code by adding definitions and development standards for the regulation of Personal Wireless Service Facilities.

Summary: Mr. Forbes explained the amendment to Florida Statutes Chapter 337.401 passed by the State legislature in June of 2017, which created regulations called the “Advanced Wireless Infrastructure Deployment Act.” The new law preempts local government control of city-owned rights-of-way for the placement of “small” or “micro” wireless antennas and equipment, and bans local governments from prohibiting such facilities from existing near or on existing towers and utility poles within rights-of-way.

This ordinance proposes a hierarchy of “preferred” options for the placement of personal wireless service facilities in the city, with the number of restrictions and regulations increasing as you go from most preferred to least preferred. The locational preference, in order from most to least preferred, is:

1. Antennae located on or in an existing building.
2. The co-location of antennae on an existing freestanding facility.
3. Installation of a new freestanding facility.

The ordinance also restricts the placement of new freestanding facilities to City or School Board-owned properties, including public schools, city parks and cemeteries, and most public rights-of-way in commercial and industrial zoning districts.

These regulations intend to keep any new freestanding facilities, as much as possible, out of the lower density residential areas of the city. The ordinance also requires that a new freestanding facility is sited at least one foot away from the nearest residential property boundary for every foot of height of the facility.

The Mayor opened the Public Hearing at 7:49 P.M.

Speaker:

- Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach, asked who would be paying for the installation of the facilities.

The Mayor closed the Public Hearing at 7:50 P.M.

Discussion: Mr. Tom Cloud, a partner with GrayRobinson, P.A., was present to address any questions or concerns of the Council. Mr. Cloud, with assistance from City Staff, helped to compose the ordinance. It was explained that the company who wanted to install a new micro tower facility would pay for it.

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

(c) **Item #17-222 - ORDINANCE NO. 2017-8099 (Second Reading)**

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8099, by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; ADOPTING REGULATIONS RELATED TO WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY; 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 Number 2017-8099, amending Article IV of

Chapter 28 of the City Code of Ordinances regulating small wireless facilities in the public rights-of-way as explained in the memorandum from the Public Works Director dated November 27, 2017.

Summary: Mr. Forbes provided a summary of the recent bill passed during the last state legislative session, which regulates the placing of utility poles in the City's rights-of-way to support small wireless facilities.

The adoption of regulations for small wireless facilities was recommended to manage the growth of wireless communications facilities within the city limits in the best interests of the public safety, health, and prudent land use, including the limited resource of rights-of-way.

Additionally, the Ordinance incorporates a state law required "shot-clock" timeline and a required pre-application meeting between the City and applicant.

Discussion: Mayor Latham called for a roll call vote, as there was no discussion on the agenda item.

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

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:51 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: 4/16/18