

**Minutes of Regular City Council Meeting
held Tuesday, January 16, 2018, 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 Captain Ronnie Rabon of the Jacksonville Beach Fire Department, 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, Deputy City Manager Trish Roberts, Chief Financial Officer Karen Nelson, Planning and Development Director Bill Mann, Police Commander Mark Evans, Parks and Recreation Director Jason Phitides, Public Works Director 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 18, 2017
- Regular City Council Meeting held December 18, 2017

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

- (a) **Item #18-003: Fletcher Middle School Lego Robotics Team Presentation - Their Solution for Pharmaceuticals in Drinking Water**

The Mayor introduced the all-girls Lego Robotics Team from Fletcher Middle School. Adrienne Mathis, Bella Pantfooter, Chloe Gilwood, Katie Walton, and Mariel Perry explained the impact pharmaceutical waste has on drinking and ocean waters and their solutions for the issue.

(b) Item #18-004: Fletcher Middle School Lego Robotics Team Presentation - Their Solution for Algae Blooms in the St. Johns River

Due to illness, the all-boys Lego-Robotics Team was unable to attend the meeting.

CITY CLERK

CITY MANAGER

(a) Item #18-005 – Accept the Monthly Financial Reports for the Month of December 2017

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

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

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

RESOLUTIONS:

(a) Item #18-006 – RESOLUTION NO. 2001-2018

Mayor Latham requested that the City Clerk read Resolution No. 2001-2018, by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH URGING THE FLORIDA LEGISLATURE TO ENACT LEGISLATION THAT WOULD MAKE TEXTING WHILE DRIVING A PRIMARY OFFENSE.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 2001-2018, urging the Florida Legislature to enact legislation that would make texting while driving a primary offense.

Discussion: Mr. Forbes explained that Florida law currently authorizes law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving, but only as a secondary offense. This means that the officer can only issue a citation if the driver has been pulled over for committing another traffic violation. Two bills in the Florida Legislature would remove the “secondary offense” provision, thereby making texting while driving a primary offense.

Mayor Latham reviewed the impact the initiative would have on the Jacksonville Beach Community. He stated that this is a significant issue for the City’s Public Works and Beaches Energy workers. He stated that he will be testifying at the Senate’s Transportation meeting Thursday on the importance the legislation would be to those people who work roadside.

A brief discussion ensued where Mr. Thomason, Mr. Doherty, and Ms. Wilson stated their support to ban cell phone use while driving.

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

(b) Item #18-007 – RESOLUTION NO. 1999-2018

Mayor Latham requested that the City Clerk read Resolution No. 1999-2018, by title only, whereupon Ms. Scott read the following:

“A RESOLUTION ESTABLISHING RULES FOR THE TENNIS COURT AT SOUTH BEACH PARK.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 1999-2018 establishing tennis court rules for South Beach Park, as described in the memorandum from the Director of Parks and Recreation dated December 28, 2017.

Summary: Mr. Forbes explained the rules and the reservation system initiative is an effort to resolve the number of complaints made about the availability of the South Beach Park tennis court.

Speakers:

- Suzanne Nixon, 1604 6th St South, Jacksonville Beach, spoke in opposition to the agenda item.

Carol Kelley, 1965 Sevilla Boulevard West, Atlantic Beach, was opposed to the agenda item but did not wish to address the Council.

Discussion: Ms. Wilson reviewed the concerns brought to her attention by Richard Lamb; a Jacksonville Beach resident and tennis instructor who was unable to attend the meeting.

Jason Phitides, Parks and Recreation Director, responded to the concerns and stated the Staff would monitor the reservation system, and coordinate the daily timetable updates and paperwork.

Mr. Phitides added that as the process evolved, the court schedule would become self-regulating, and the regulation updates would be beneficial to court users.

Mayor Latham asked the Council if they would like to make a motion to table the item until the next meeting. There was no motion made.

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

(c) Item #18-008 – RESOLUTION NO. 2000-2018

Mayor Latham requested that the City Clerk read Resolution No. 2000-2018, by title only, whereupon Ms. Scott read the following:

“A RESOLUTION ESTABLISHING RATES FOR THE MUNICIPAL COMMUNITY CENTER AND EXHIBITION HALL AT SOUTH BEACH PARK.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 2000-2018 revising rates for the Community Center and Exhibition Hall at South Beach Park, as described in the memorandum from the Director of Parks and Recreation dated December 28, 2017.

Summary: Mr. Forbes said the adoption of the resolution would be beneficial towards facility revenue and contract longevity while also providing a discounted rate for long-term lessees of the South Beach Park Community Center and Exhibition Hall.

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

ORDINANCES:

(a) Item #17-220 - ORDINANCE NO. 2017-8100 (Second 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: The proposed ordinance would change regulations to allow dogs on the beach anytime from October 1 through March 31; and from April 1 through September 30, 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:

The following individuals stated their support for the ordinance:

- Mark Russo, 245 34th Avenue South, Jacksonville Beach
- Susan Russo, 245 34th Avenue South, Jacksonville Beach
- Dan Elmalel, 1879 1st Street South, Jacksonville Beach
- Karen DeLoach, 405 32nd Avenue South, Jacksonville Beach
- Scott Carnes, 153 34th Avenue South, Jacksonville Beach
- Allyson Carnes, 153 34th Avenue South, Jacksonville Beach
- Donna Fluegel, 1301 1st Street South, # 1702, Jacksonville Beach
- Nancy Kern, 3409 1st Street South, Jacksonville Beach
- Mary Phillips, 934 10th Street North, Jacksonville Beach
- Terry DeLoach, 405 32nd Avenue South, Jacksonville Beach
- Cathryn Elmaleh, 1879 1st Street South, Jacksonville Beach

The following individuals addressed the Council in opposition to the ordinance:

- Rita Giblin, 1901 1st Street North, #1406, Jacksonville Beach
- Debi Cunningham, 3001 1st Street South, Jacksonville Beach
- Gary Allen, 2026 2nd Street South, Jacksonville Beach
- Eric Geller, 204 30th Avenue South, Jacksonville Beach
- David Zuckerman, 1794- A Ocean Drive, Jacksonville Beach

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

- Blair Landry, 3413 1st Street South, Jacksonville Beach
- Jesse Hanson, 1033 13th Avenue North, Jacksonville Beach
- J.R. Bourne, 802 6th Street North, Jacksonville Beach
- Susan Bashford, 702 9th Avenue North, Jacksonville Beach
- Michelle Neary, 1004 7th Street North, Jacksonville Beach
- Lisa Grossman, 851 14th Avenue North, Jacksonville Beach
- Trey Phillips, 934 10th Street North, Jacksonville Beach
- Judy Chrisman, 1807 1st Street South, Jacksonville Beach
- Carol Ackis, 1808 1st Street South, Jacksonville Beach
- Mary Alexander, 15 30th Avenue South, Jacksonville Beach

Discussion: Commander Evans of the Jacksonville Beach Police Department reported on the prior years' beach patrol statistics, briefed the Council on the operating procedures in place for controlling dogs on the beach, and encouraged the proper communication, signage and public education regarding this change.

Each of the Council Members and Mayor Latham stated their support for the ordinance, as well as the importance of citizen accountability while quickly and effectively placing signage.

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

The motion, as amended, passed unanimously.

(b) Item #17-221 - ORDINANCE NO. 2017-8101 (Second Reading)

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 SERVICE 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 8:57 P.M.

Speakers: There were no requests to speak on the agenda item.

The Mayor closed the Public Hearing at 8:58 P.M.

Discussion: Mr. Doherty reiterated the home rule rights being affected by the nature of the origin of this ordinance.

Mayor Latham, who was recently elected by his peers at the Florida League of Mayors to the Board of Directors, said he will continue working towards holding the state legislature accountable, especially when they vote with legislature's leadership and not with constituents.

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

ADJOURNMENT:

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

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: 2/5/18