

**Minutes of Regular City Council Meeting  
held Monday, December 7, 2015, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida.**



**CALL TO ORDER:**

Mayor Latham called the meeting to order at 7:00 P.M.

**OPENING CEREMONIES:**

Mr. Vogelsang delivered a prayer for families and victims affected by recent attacks and for letting his baby girl come home; followed by the salute to the flag.

**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, and City Clerk Laurie Scott.

**APPROVAL OF MINUTES**

It was moved by Ms. Wilson, seconded by Ms. Hoffman, to approve the following minutes:

- Regular Council Meeting held on November 16, 2015

Ms. Hoffman commented that she would like her name included on the last roll call vote on the last motion in the minutes from November 16, 2015.

A second motion was made by Ms. Wilson, seconded by Ms. Hoffman, and passed unanimously to amend the minutes to include Ms. Hoffman's name.

It was moved by Ms. Wilson, seconded by Ms. Hoffman, and passed unanimously, to approve the following minutes as presented:

- Special Council Meeting held on November 23, 2015

**ANNOUNCEMENTS**

Ms. Hoffman invited everyone to the Beaches Museum & History Park Open House on Thursday night; the event is free and open to the public.

Ms. Wilson commended Kurtis Loftus on his Deck the Chairs efforts and commented that Art Walk is tomorrow night.

With it being Pearl Harbor Day, Mayor Latham thanked all who currently serve and have formerly served our great nation. The Mayor noted that his father joined the Navy at age 16.

Mayor Latham congratulated 19<sup>th</sup> Street Charities and their Toys for Tots drive that was held last Saturday and received \$32,000 in donations.

Mayor Latham announced that Jacksonville Beach resident “Super Kate” Amato turns 11 this week and her family continues to need our prayers and support. People may consider donating to Kate online by visiting the link on the Mayor’s Facebook page.

### **COURTESY OF THE FLOOR TO VISITORS:**

#### **Speakers:**

- Mr. Ken Marsh, 2027 Gail Avenue, Jacksonville Beach, spoke about an email he had recently sent to Mayor Latham. Mr. Marsh offered the following suggestions to the Council to make downtown Jacksonville Beach better: the Council should align with the Jacksonville Beach “downtown vision,” hold internal workshops to focus on that vision, and clearly articulate that overall vision.

### **MAYOR AND CITY COUNCIL**

#### **CITY CLERK:**

#### **CITY MANAGER:**

#### **(a) Appointment of Vice-Chair of the Jacksonville Beach Community Redevelopment Agency**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman to Appoint Lynn Varnadoe as Vice-Chairperson for the Jacksonville Beach Community Redevelopment Agency.

Ms. Wilson commented that Ms. Varnadoe is probably the most senior person on the Community Redevelopment Agency Board and probably the best choice for this position.

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

**(b) Approval to Execute a Continuing Services Contract with Supreme Janitorial Services, Inc., as the Primary Contractor and City Wide Maintenance of Jacksonville, as the Secondary Contractor for Custodial Services in Response to RFP No. 01 1516, Janitorial Services for Municipal Buildings.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman to award RFP Number 01-1516, entitled Janitorial Services for Municipal Buildings to Supreme Janitorial Services, Inc., as the Primary Contractor and City Wide Maintenance of Jacksonville, as the Secondary Contractor, for a period of three (3) years with the option to renew for three (3) additional one-year periods based on the approval of the City Manager, as explained in the memorandum from the Property and Procurement Officer, dated November 18, 2015.

Mr. Forbes noted that this is a contract for custodial services for three buildings: City Hall, the Operations and Maintenance (O&M) Building, and the Police Department. City Hall and the O&M Building are cleaned three days per week, and the Police Department is cleaned five days per week.

Ms. Wilson inquired about the cleaning companies for the other City buildings. Jason Phitides, Property and Procurement Officer, stated that another RFP will go out for those buildings. Ms. Wilson asked if the other contract will cover the Oceanfront Park restrooms and if background checks are performed on the cleaning staff; Mr. Phitides replied yes to both inquiries.

Mr. Vogelsang thanked the staff for detailed notes.

Mr. Doherty also commented that he appreciated the data and asked if cleaning standards decline, are our contracts worded in such a way that we could cancel. Mr. Forbes stated that all of our standard contracts allowed the City to cancel at any time if dissatisfied.

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

**(c) Award Unit Price Bid 1415 10, "Oceanfront Park Restroom & Seawalk Pavilion Modifications (Parts A & B)," to E.B. Morris General Contractors, Inc., and Authorize Construction Administration Services with the project**

**design firm, GAI Consultants, Inc.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman to award Unit Price Bid Number 1415-10, titled Oceanfront Park Restroom & Seawalk Pavilion Modifications Project, to E.B. Morris General Contractors, Incorporated, and authorize Construction Administration Services with the project's design firm, GAI Consultants, Incorporated, as explained in the memorandum from the Public Works Director dated November 23, 2015.

Mr. Ken Marsh, 2027 Gail Avenue, Jacksonville Beach, spoke about prioritization of the items on the Downtown Action Plan and his concerns about improving downtown Jacksonville Beach.

Mr. Forbes commented that as the City grows, the need for more restrooms has grown, and the location of these restrooms makes more sense for performers at the Plaza who need to change, etc. If approved tonight, construction would start sometime after January 1.

Mr. Buck stated that Oceanfront Park is over ten years old, and he considers this project a priority.

Mr. Doherty stated that he had made comments back in 2013 about the port-o-lets being an eyesore at one of the biggest parks in our City. With regard to the Seawalk Pavilion, there are numerous events and there need to be bathrooms onsite. Mr. Doherty then asked about the construction timeframe and completion dates.

Mr. Ty Edwards, Director of Public Works, stated he recalls the timeline being about eight months but will double check and get back with the City Manager.

Mr. Vogelsang stated that this project is a priority and will not take away from the City doing other things. It costs \$12,000 to rent the Seawalk Pavilion for the weekend; there should be nice restrooms for the people using it.

Ms. Wilson added that these improvements were needed and asked how many parking spaces will be eliminated at Oceanfront Park. Mr. Edwards stated that approximately three parking spots will be eliminated. Ms. Wilson also pointed out that this project is not being funded out of the general budget fund, but out of the redevelopment fund.

Ms. Hoffman noted that this project has been on the Council's radar for a long time and that she is very glad to see this moving forward.

Mayor Latham thanked the staff on their efforts to better the community.

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

- (d) **Award Unit Price Bid Number 1415-11, "South Beach Parkway Roadway Improvements (Turn Lane) Project," to A.W.A. Contracting Company, Inc., and Authorize Construction Administration Services with the project design firm, Waitz & Moye, Inc.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman to award Unit Price Bid Number 1415-11, titled South Beach Parkway Roadway Improvements (Turn Lane) Project, to A.W.A. Contracting Company, Incorporated, and authorize Construction Administration Services with the project's design firm, Waitz & Moye, Incorporated, as explained in the memorandum from the Public Works Director dated November 20, 2015.

Mr. Forbes stated that there have been several workshops regarding this project for improvements to Jacksonville Drive and South Beach Parkway, and the traffic flows out of South Beach Regional shopping center.

Mr. Doherty suggested that the first priority should be eliminating the left turn lane out of the shopping center.

Mr. Vogelsang asked if this construction would be done at night. Mr. Forbes said that most construction will occur in the daytime, but every effort will be made to avoid traffic congestion.

Mr. Buck concurred with Mr. Vogelsang's and Mr. Doherty's comments.

Mr. Thomason asked that they try to limit the amount of traffic through residential areas on Jacksonville Drive west of South Beach Parkway.

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

**RESOLUTIONS:**

**ORDINANCES:**

**(a) ORDINANCE NO. 2015-8064 (Second Reading)**

**AN ORDINANCE RELATING TO THE DEFINITIONS USED IN ARTICLE IV, LAND DEVELOPMENT CODE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; ADDING CERTAIN DEFINITIONS, AMENDING CERTAIN DEFINITIONS, AND REPEALING OTHER DEFINITIONS; PROVIDING THAT LANGUAGE STRUCK THROUGH INDICATES DELETIONS, AND LANGUAGE UNDERLINED INDICATES ADDITIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman to adopt Ordinance No. 2015-8064, Land Development Code Definitions.

The Mayor asked those who submitted speaker cards if they wished to speak on this ordinance; all replied "no."

Mr. Forbes explained the minor change to the ordinance. An amendment was made on page 2, paragraph 1, of Ordinance No. 2015-8064 adding the word "invalid" in place of the word "valid;" it was simply a typo. (copy of change attached)

Ms. Hoffman thanked Mr. Mann for providing the red-lined copy of the ordinance.

**New Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman to adopt Ordinance No. 2015-8064, Land Development Code Definitions as amended by Mr. Forbes.

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

**(b) ORDINANCE NO. 2015-8065 (Second Reading) PUBLIC HEARING**

**AN ORDINANCE RELATING TO SIGNS; PROVIDING FOR THE REPEAL OF THE EXISTING JACKSONVILLE BEACH SIGN**

**ORDINANCE CODIFIED AT DIVISION IV, ARTICLE VIII, CHAPTER 34 (LAND DEVELOPMENT CODE) OF THE JACKSONVILLE BEACH CODE OF ORDINANCES; PROVIDING FOR A NEW JACKSONVILLE BEACH SIGN ORDINANCE IN PLACE OF DIVISION IV OF ARTICLE 34 (LAND DEVELOPMENT CODE) OF THE JACKSONVILLE BEACH CODE OF ORDINANCES; PROVIDING FOR A PURPOSE, INTENT AND SCOPE; PROVIDING FOR DEFINITIONS; PROVIDING FOR APPLICABILITY; PROVIDING FOR PROHIBITED SIGNS IN ALL ZONING DISTRICTS; PROVIDING GENERAL PROVISIONS FOR SIGNS (SUCH AS THE MEASUREMENT OF SIGN SIZE, MEASUREMENT OF SIGN HEIGHT, STREET ADDRESS SIGNS, FLAGPOLES/FLAGS, FLAG BRACKETS/STANCHIONS/FLAGS, SIGN ILLUMINATION FOR TEMPORARY AND PERMANENT SIGNS, VIEWPOINT NEUTRALITY, SUBSTITUTION OF NONCOMMERCIAL SPEECH FOR COMMERCIAL SPEECH, NONCOMMERCIAL ON SITE PARKING SPACE SIGNS, CONSENT OF LEGAL OWNER OF PROPERTY, SIGNS ON PUBLIC PROPERTY, SIGNS THAT OBSTRUCT MEANS OF EGRESS, SIGNS THAT INTERFERE WITH VENTILATION OPENINGS, SIGNS MUST MAINTAIN CLEARANCE FROM UTILITIES AND SHALL NOT INTERFERE WITH SURFACE AND UNDERGROUND WATER OR WITH DRAINAGE, SIGNS SHALL NOT BE ATTACHED TO CERTAIN PROPERTY AND SHALL NOT IMPAIR ROOF ACCESS, SIGNS DECLARED A NUISANCE AND REPAIR; SIGNS PRESENTING IMMEDIATE PERIL TO PUBLIC HEALTH OR SAFETY, SIGNS AT SERVICE STATION ISLANDS, WALL SIGNS AT RESTAURANTS, UMBRELLA SIGNS, AWNING AND CANOPY SIGNS, CHANGEABLE COPY SIGNS, MONUMENT SIGNS, WALL SIGNS, PROJECTING SIGNS, SIGNS FOR DRIVE THRU BUSINESS ESTABLISHMENTS, WINDOW SIGNS, AND DOOR SIGNS); PROVIDING FOR ALLOWED TEMPORARY SIGNS IN ZONING DISTRICTS; PROVIDING FOR ALLOWED PERMANENT SIGNS IN ZONING DISTRICTS; PROVIDING FOR BUILDING PERMITS; PROVIDING FOR SIGN PERMITS; PROVIDING FOR NONCONFORMING SIGNS; PROVIDING FOR MISCELLANEOUS SIGN PROVISIONS; PROVIDING FOR PENALTIES; PROVIDING FOR AN AMENDMENT TO SECTION 34-640; PROVIDING FOR SEVERABILITY IN GENERAL; PROVIDING FOR SEVERABILITY WHERE LESS SPEECH RESULTS; PROVIDING FOR SEVERABILITY OF PROVISIONS PERTAINING TO PROHIBITED SIGNS; PROVIDING FOR SEVERABILITY OF PROHIBITION ON BILLBOARDS; PROVIDING FOR AN AMENDMENT TO SECTION 34-336 THROUGH 34-348 TO IDENTIFY THE BUSINESS OF OUTDOOR ADVERTISING**

**AS A PROHIBITED USE IN ALL THIRTEEN OF THE CITY'S ZONING DISTRICTS; PROVIDING FOR THE ADDITION OF SECTION 34-349 TO EXPRESSLY PROVIDE THAT THE BUSINESS OF OUTDOOR ADVERTISING IS A PROHIBITED USE IN ALL ZONING DISTRICTS; AND PROVIDING AN EFFECTIVE DATE.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman to adopt Ordinance No. 2015-8065 to replace the existing Division IV Sign Standards of Article VIII Site Development Standards deleting, revising, or adding new provisions relating to Site Development Standards applicable to signs.

Mayor Latham opened the public hearing at 7:45 p.m. to allow speakers to comment on the sign ordinances presented.

Mr. Mike Herzberg, 1 Sleiman Parkway, Jacksonville, asked if there were any revisions, and if so, could they be read aloud.

The Mayor asked to have the public hearing suspended so the changes to the ordinance could be read aloud. Mr. Forbes explained the change to Exhibit "A," page 33 of 35, to Section (4)(a) regarding discontinued signs, adding the phrase "for a period of one hundred eighty (180) days". Edits were also made to Section (4)(c), removing the words "Within sixty (60) days after", adding the words "After" and "deemed", and replacing the word "parch" with "patch", making that paragraph read "After a sign structure has been deemed discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to patch and conceal and all damage to any other structure resulting from removal of the sign." (copy of changes attached)

Mr. Bill Brinton, Attorney at Rogers and Towers, added that the phrase "within sixty (60) days after" was stricken from the beginning of paragraph (4)(c) to ensure consistency.

Mayor Latham then re-opened the public hearing and Mr. Herzberg then asked respectfully that the Council defer action on this ordinance again and spoke in opposition of this sign ordinance due to lack of public knowledge and awareness of changes to the sign code.

Ms. Sandy Golding, 1203 18<sup>th</sup> Avenue N., Jacksonville Beach, spoke in support of this ordinance and urged the Council to pass this ordinance.

Mr. Tom Larson, 887 Marshside Court, Jacksonville Beach, spoke in support of this ordinance. He stated that the people who work and live in Jacksonville Beach are benefitting from the care that the City has taken in developing this code.

Mr. Jim Overby, 21 Burling Way, Jacksonville Beach, spoke in support of both ordinances. He urged the Council to preserve the beauty of this community by passing these ordinances.

Mr. Terry DeLoach, 405 32<sup>nd</sup> Avenue S., Jacksonville Beach, a long-time serving member of the Planning Commission, spoke in support of this ordinance and urged the Council to approve these sign ordinances with suggestions from legal counsel and Mr. Mann.

Mr. John McGowan, 5 N. 17<sup>th</sup> Avenue, Unit 401, Jacksonville Beach, spoke about his concerns regarding this ordinance and its impact on both existing and future business owners.

Mr. Rick Knight, 827 8<sup>th</sup> Avenue N., Jacksonville Beach, spoke in favor of the ordinance, stating that he thinks the voices of citizens of Jacksonville Beach should be heard.

Mayor Latham closed the public hearing at 8:00 pm.

Mr. Forbes then elaborated on the sign ordinances with a power point presentation. He explained that these changes are a result of a recent U.S. Supreme Court Opinion in the case of Reed v. Town of Gilbert, Ariz., (U.S. June 18, 2015) and impacts the traditional regulation of temporary noncommercial signs in municipal codes across the country. The City can regulate the size of signs but cannot regulate the content of the signs, as outlined in the viewpoint neutrality definition. The main changes per this ordinance involve how we treat temporary signs.

With regard to temporary signs, in Ordinance No. 2015-8065, temporary signs do not require a sign permit. This is a change from our current code in which commercial temporary signs require a sign permit.

Mr. Brinton added that this restructured code is a much better code with regard to simplicity and ease of reference. Great effort was taken to make the code as perfect as it can be.

Mayor Latham noted that these changes were necessary due to the Supreme Court decision and to comply with this decision, the City hired attorney Bill Brinton.

Mr. Brinton is a nationally-recognized expert in sign law. The Council has a responsibility to the citizens to ensure the City sign code is in compliance, and that is what the Council hopes to accomplish tonight.

Mr. Vogelsang had a question regarding the “period of sixty (60) days” in paragraph (3)(c) of Exhibit “A,” page 33 of 35 regarding nonconforming signs that was clarified by Mr. Brinton. The verbiage is correct as is.

Ms. Wilson commented that she appreciates the input from the public and business owners and that these sign changes are a positive thing; she also noted that approving these ordinances tonight does not preclude the Council from holding future workshops to address issues such as electronic signs.

Mr. Buck added that the citizens and business owners continually express the fact that they support beautification of our City and that we have a good sign code.

Mr. Thomason inquired about content neutrality, and Mr. Brinton used the town of Gilbert as an example. The town had rules for political signs, temporary directional signs and free speech signs. These restrictions were originally based on size and setback, not on content. However, the court case brought up the debate of content-based versus content-neutral signage. If the sign contains obscenity, that issue can be addressed and regulated by State statutes.

Mr. Buck then commended the staff, Mr. Brinton and Ms. Erdelyi for their work on this issue.

Ms. Hoffman added that she supports this ordinance but hopes the process can be improved, allowing more time for business owners to comment. She also thanked the staff for their efforts on this matter.

Mr. Vogelsang stated that he supports the ordinance, appreciates the business owners’ input and welcomes any input from business owners on future sign issues.

Ms. Wilson asked if commercial mascot signs were the same as “human sign wavers.” Mr. Brinton explained that is not a land development regulation, but he does intend to come back to the Council with something regarding human sign wavers and mobile signs to add to the code.

Mayor Latham stated that he was open to public debate after the holidays to discuss any outstanding issues. These ordinances being approved are simply aligning our City codes with the Supreme Court decision. He also thanked Mr.

Brinton, Ms. Erdelyi, Mr. Mann and his staff for their outstanding efforts on this issue.

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

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:35 P.M.

Submitted by: Laurie Scott  
City Clerk

Approval:

  
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William C. Latham, MAYOR

Date: 12/21/15