

**Minutes of Regular City Council Meeting
held Monday, November 4, 2013, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



CALL TO ORDER:

Mayor Charlie Latham called the meeting to order.

OPENING CEREMONIES:

Invocation was by Council Member Taylor; followed by the Salute to the Flag.

ROLL CALL:

Mayor: Charlie Latham

Council Members: Keith Doherty Steve Hartkemeyer (*absent*) Christine Hoffman
Tom Taylor Phil Vogelsang Jeanell Wilson

Also present were City Manager George Forbes, City Department Directors and Cathy Martinich, City Clerk's Office.

APPROVAL OF MINUTES

It was moved by Mr. Taylor, seconded by Mr. Vogelsang, and passed, to approve the following minutes, as presented:

- Regular City Council Meeting held October 21, 2013
- City Council Workshop held October 21, 2013

ANNOUNCEMENTS

- Mr. Taylor said that this weekend is Fletcher High School's Homecoming. The football team won last Friday, and are now going to the division playoffs. Coach Josh Corey was nominated "Coach of the Year" for Division 7A, and 12 Fletcher football players were chosen for Florida playoff game.
- Mr. Taylor attended the Cemetery Tour, with Mr. Forbes and Ms. Wilson, given by the Beaches Historical Society, then attended the Garden Reception given by Beaches Emergency Assistance Ministries (BEAM).
- Mr. Taylor complimented the Police and Fire Departments for the excellent job done this past weekend regarding the Florida-Georgia game.
- Mr. Taylor attended the "Elected Officials Luncheon" in Jacksonville.

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- Ms. Wilson said that she also enjoyed the Cemetery Tour and the BEAM Garden Reception. She said the Beaches Historical Society Gala will be held this weekend and the Chapel will be open to tour.
- Mayor Latham thanked Mr. Taylor and Dr. Dumont for their participation in the Consolidation meeting held on October 24, 2013. He said he was grateful to Jacksonville's Council President Bill Gulliford for setting up the program.
- Mayor Latham attended the Northeast Florida Builders Association (NEFBA) Beast Feast on October 29, 2013. He said Jacksonville Beach is very popular for new construction activities.
- The Mayor and Mrs. Latham attended the Gabriel House Reception at Mayo Clinic on October 30, 2013. This facility supports families of transplant and oncology patients during their treatment, and is seeking volunteers and donations to assist the organization.
- Mayor Latham said he attended the BEAM Garden Reception and was amazed at how far BEAM has come. The Thrift Shop has recently opened and is a great store. They serve as a sterling example of what citizens can do to help the less fortunate in our community.
- Mayor Latham spoke at the Beaches Business Association today. He said he was grateful to have the opportunity to update local business leaders of the City's progress.
- Mayor Latham said he was excited to have participated in the Fletcher Homecoming parade today. He said as a senior student at Fletcher 37 years ago, he never imagined being the Mayor in the homecoming parade! He thanked Mr. Tom Patton for volunteering his convertible, and his exceptional chauffeuring skills.
- Ms. Hoffman said that the Christmas Sponsoring of the Poles (\$150.00 per pole) sponsorship forms are due tomorrow. The forms can be found on the Beaches Hospitality Network and the City's Facebook page. She also said sponsorships are available at BEAM to support the garden project.

COURTESY OF THE FLOOR TO VISITORS

Speakers:

- Mr. Michael Herzberg, 1 Sleiman Parkway, Jacksonville
Mr. Herzberg proposed a charity event to be held in Latham Plaza, February 14 & 15, 2014. He has been working with promoters and Jax Bch Festivals to organize the event, with proceeds going to the United Service Organization (USO). The theme would be to thank military personnel, and veterans and their families. It will include entertainment by upper-level Country musicians, as well as serving food and alcoholic beverages. He said this would help community businesses during slower winter months, as well as the USO.

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- Ms. Gale McKinstry, 115 South 3rd Street, Jacksonville Beach
Ms. McKinstry commended Gary Meadors, Director of Parks and Recreation, and expressed her appreciation for his quick repair of boards at the park, allowing her to ride her electric power chair on them safely.
- Michael Binder, 111 South 25th Avenue, Unit M-21, Jacksonville Beach
Mr. Binder asked the Council to consider having a food truck meal, and stated it is a very different eating experience than that of a “brick and mortar” restaurant. He used the example of a new restaurant opening in the City, called the Blind Rabbit, which began as a food truck business. They became successful, have expanded to two locations, and are now able to create more opportunities and jobs for people. He asked that as the Council moves ahead with approving the ordinance, not to let perfect get in the way of good.
- Chris Dickerson, 1510 1st Street, Unit 2, Neptune Beach
Mr. Dickerson said food trucks would not have the same expenses as a brick and mortar business and are limited in their capacity. He noted that most people do not like competition, but that it is a fact of life and a benefit to consumers by having their choice of an eating experience.

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

- (a) Authorize the City Manager and Mayor to Sign an Agreement Between the City of Jacksonville Beach and the Fraternal Order of Police (FOP), Northeaster Lodge #17, for the Use of the Firearms Range for Training Purposes.

Speakers:

John Galarneau, 2002 Grove Street, Jacksonville Beach

Mr. Galarneau spoke in favor of the police department using the FOP gun range for training purposes.

Mr. Forbes explained that the FOP gun range (pistol range) is located behind the Greens Way Condominiums and was formerly used by our Police department for training. The property was closed and placed for sale, which did not happen. Since then the range has reopened and been renovated. It is a safe and excellent facility. This agreement is on a trial basis for a few months and afterward, Mr. Forbes would have the option to renew the agreement.

Chief Dooley explained officers currently have to use north Jacksonville or St. John’s County’s ranges. It is reasonable, as well as cost effective, to use a facility within our City. He explained that the department will use the range twice weekly, will have exclusive use for their training, and only during the daytime hours. It is also a great cost savings of time and gas employees must spend to get to the other ranges currently being used. He stated that training locally will also benefit the community because they will be able to respond quickly in an emergency.

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Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to authorize the City Manager and Mayor to sign an agreement between the City of Jacksonville Beach and the Fraternal Order of Police (FOP), Northeast Lodge #17, to allow the police department to utilize the FOP firearms range, located in south Jacksonville Beach, for the purpose of firearms training and qualifications, as described in the memo from Patrick K. Dooley, Chief of Police, dated October 24, 2013.

Roll call vote: Ayes- Doherty, Hoffman, Taylor, Vogelsang, Wilson, and Mayor Latham;
motion carried unanimously.

- (b) Approve the City Manager Authorization for the Emergency Repair of the Deteriorated and Partially Collapsed Sanitary Sewer Manhole on 4th Street South and 11th Avenue South.

Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to approve authorization for the City Manager for the emergency repair by replacement of the deteriorated, partially collapsed sanitary manhole located at 4th Street South and 11th Avenue South with *G & H Underground Construction, Inc.*, as described in a memo from City Engineer Marty Martirone, dated October 25, 2013.

Mr. Forbes explained the need for preventative maintenance. He talked about the manhole that failed and has enlisted *G & H Underground Construction, Inc.* to make emergency repairs to the manhole. He said that there are over 2000 manholes in the City and they are in need of repairs due to their age. Mr. Forbes said that a project needs to begin to repair the manholes throughout the City. Conversation continued regarding the process of a repair program.

Roll call vote: Ayes- Hoffman, Taylor, Vogelsang, Wilson, Doherty, and Mayor Latham;
motion carried unanimously.

- (c) Authorize the Execution of Closing Documents to Finalize Purchase of Real Property on 16th Avenue South between 5th and 6th Streets South.

Mr. Forbes said that this area is a natural wetlands and a low point in the neighborhood. Since there is already a problem with drainage in this location, there is a concern for additional drainage problems in the neighborhood if the properties are developed. It is a natural stormwater retention area and it would be kept as that.

Ms. Wilson and Mr. Doherty spoke against purchasing the properties.

Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to authorize the Mayor and City Manager to execute the closing documents to finalize the purchase of the real property described as Lots 3 and 4, and a portion of the abandoned right-of-way lying southerly as recorded, Block 5, Sea Side Park Subdivision, Jacksonville Beach, Florida, as explained in the memorandum from the Public Works Director, dated October 27, 2013.

Roll call vote: Ayes- Taylor, Vogelsang, Hoffman, and Mayor Latham
Nays – Doherty and Wilson
The motion carried by a vote of 4 to 2.

- (d) Ratification of Collective Bargaining Agreement with Laborer's International Union of North America (LIUNA), Local 630.

Motion: It was moved by Mr. Taylor, seconded by Mr. Doherty, to ratify the three-year contract with Laborer's International Union of North America, Local 630, effective November 1, 2013.

Mr. Forbes explained the contract has been ratified and this agreement establishes a new pay plan for employees, and adjusts the Pension Plan for the General Employees, affording the Pension to be more sustainable in the future.

Roll call vote: Ayes- Vogelsang, Wilson, Doherty, Hoffman, Taylor, and Mayor Latham; motion carried unanimously.

RESOLUTIONS

- (a) **RESOLUTION NO. 1924-2013**

Mayor Latham requested that Resolution No. 1924-2013, be read by title only; whereupon Ms. Martinich read the following:

“A RESOLUTION AMENDING THE CITY OF JACKSONVILLE BEACH POSITION CLASSIFICATION AND PAY PLAN FOR MANAGERIAL, PROFESSIONAL, ADMINISTRATIVE, AND UNCLASSIFIED (NONUNION) CITY POSITIONS, EFFECTIVE NOVEMBER 1, 2013.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to adopt Resolution No. 1924-2013 amending the classification and pay plan for managerial, professional, administrative, and unclassified nonunion City positions, effective November 1, 2013.

Mr. Forbes said that this Resolution adopts a pay plan for non-union employees, with the same raises and Pension Plan as the LIUNA General Employees.

Roll call vote: Ayes- Wilson, Doherty, Hoffman, Taylor, Vogelsang, and Mayor Latham; motion carried unanimously.

- (b) **RESOLUTION NO. 1921-2013**

Mayor Latham requested that Resolution No. 1921-2013, be read by title only; whereupon Ms. Martinich read the following:

“A RESOLUTION ESTABLISHING POLICY FOR THE REPAYMENT OF FUNDS TRANSFERRED TO THE NATURAL GAS SYSTEM BY BEACHES ENERGY SERVICES ELECTRIC SYSTEM.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to adopt Resolution No. 1921-2013 establishing a policy for the repayment of monies transferred to the natural gas fund from the Beaches Energy Services Electric Fund for the construction of the natural gas system.

Mr. Forbes stated Beaches Energy Services (BES) constructed the natural gas system, for commercial customers throughout our service area. Money was advanced from the electric fund. The gas fund of Beaches Energy will now transfer the amount advanced by the electric fund, at 1%, over 30 years, which is the life of the system.

Roll call vote: Ayes- Doherty, Hoffman, Taylor, Vogelsang, Wilson, and Mayor Latham; motion carried unanimously.

(c) **RESOLUTION NO. 1922-2013**

Mayor Latham requested that Resolution No. 1922-2013, be read by title only; whereupon Ms. Martinich read the following:

“A RESOLUTION REVISING NATURAL GAS SERVICE RATES.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to adopt Resolution No. 1922-2013 amending the distribution rate per therm, for Natural Gas.

Mr. Forbes explained the term “therm”. He said there was a recent study conducted by our auditors which provided the rate structure for gas to make sure that the cost of gas, operations, and maintenance are accurately distributed. The total rate remains unchanged – cost neutral to the customer.

Roll call vote: Ayes- Hoffman, Doherty, Taylor, Vogelsang, Wilson, and Mayor Latham; motion carried unanimously.

(d) **RESOLUTION NO. 1923-2013**

Mayor Latham requested that Resolution No. 1923-2013, be read by title only; whereupon Ms. Martinich read the following:

“A RESOLUTION REVISING ELECTRIC RATES FOR BEACHES ENERGY SERVICES.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to adopt Resolution No. 1923-2013 amending the energy rate for Beaches Energy

Mr. Forbes said that this is a decrease in electricity cost to customers. It reflects a net \$1.00 decrease per kilowatt for residential and commercial customers.

Roll call vote: Ayes- Taylor, Vogelsang, Wilson, Doherty, Hoffman, and Mayor Latham; motion carried unanimously.

ORDINANCES

(a) **ORDINANCE NO. 2013-8034 – FIRST READING**

Mayor Latham requested that Ordinance No. 2013-8034, be read by title only; whereupon Ms. Martinich read the following:

“AN ORDINANCE AMENDING CHAPTER 32, UTILITIES, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; PROVIDING THE METHOD OF CALCULATING THE MAXIMUM ANNUAL CONTRIBUTION MADE BY THE NATURAL GAS UTILITY FUND TO THE GENERAL FUND TO BE INCLUDED IN THE CITY’S ANNUAL OPERATING BUDGET; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to adopt Ordinance No. 2013-8034, establishing an annual maximum transfer from the Natural Gas Utility to the general fund and prescribing the methodology for calculating the transfer amount, as read by title.

Mr. Forbes stated the Utility services are provided in a very professional manner. The City does not charge taxes or franchise fees. This transfer will be going to the General Fund from the Natural Gas Utility for a rate of return. This will be done each year through the budget process.

Roll call vote: Ayes- Vogelsang, Wilson, Doherty, Hoffman, Taylor, and Mayor Latham; motion carried unanimously.

(b) **ORDINANCE NO. 2013-8035 – FIRST READING**

Mayor Latham requested that Ordinance No. 2013-8035, be read by title only; whereupon Ms. Martinich read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE V, DIVISION 5, GENERAL EMPLOYEES’ RETIREMENT SYSTEM, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, AMENDING SECTION 2-162.2, DEFINITIONS; AMENDING SECTION 2-162.7, NORMAL RETIREMENT CONDITIONS; AMENDING SECTION 2-162.8, VESTED TERMINATION OF MEMBERSHIP; AMENDING SECTION 2-162.9, AMOUNT OF PENSION; AMENDING SECTION 2-162.20, MEMBER CONTRIBUTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to adopt Ordinance No. 2013-8035, amending Chapter 2, Article V, Division 5, ‘General Employees’ Retirement System’, of the Code of Ordinances of the City of Jacksonville Beach, as read by title.

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Mr. Forbes said this ordinance effectuates the union contract regarding the Pension Plan and provides a more cost effective and sustainable Pension Plan for General LIUNA Employees.

Roll call vote: Ayes- Wilson, Doherty, Hoffman, Taylor, Vogelsang, and Mayor Latham;
motion carried unanimously.

ADJOURNMENT

There being no further business coming before the Council, Mayor Latham adjourned the meeting at 8:00 p.m. and announced that the Workshop on Food Trucks would begin at 8:10 p.m.

Submitted by: Catherine M. Martinich
City Clerk's Office

Approval:

/s/William C. Latham

William C. Latham, Mayor

Date: November 18, 2013