

**Minutes of Regular City Council Meeting
held Tuesday, January 21, 2014, 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 Wilson; followed by the Salute to the Flag.

ROLL CALL:

Mayor: Charlie Latham

Council Members: Keith Doherty Steve Hartkemeyer Christine Hoffman
Tom Taylor Phil Vogelsang Jeanell Wilson

Also present were City Manager George Forbes, City Department Directors, Judy Bullock, City Clerk, and Catherine Martinich, Staff Assistant.

APPROVAL OF MINUTES

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

- Regular City Council Meeting held December 16, 2013
- City Council Workshop held December 16, 2013

ANNOUNCEMENTS

Councilmember Hartkemeyer – Attended the Awards Ceremony on January 11th, for the Elam Project with Council President Mr. Bill Guillford at Christ Episcopal Church in Ponte Vedra Beach

Councilmember Doherty – Is participating in the countywide homeless count from 2:00 until 4:00 am today.

Mayor Latham’s Announcements –

Mayor Latham thanked Curtis Loftus, Curtis Group, and Rob Nicholson, Hospitality Network for the work on 3rd Street, for the great job and assistance provided for Deck the Chairs Christmas lights.

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Mayor Latham congratulated the City Staff on the Christmas Committee for a great job at the Employee Christmas Party on December 17, 2013.

The Mayor attended a Grand opening Celebration for Always Promotions on 3rd Street, December 18, 2013.

The Beaches Watch State of the City was held on January 8, 2014. Mayor Latham said it was a very informative event.

The Mayor said the new Citizens Police Academy (CPA) class, number 32, began on January 9, 2014. He complimented the many City employees participating in the program.

Mayor Latham thanked Mayor Pro-Tem Taylor and the Council for their assistance while he was away for a week.

COURTESY OF THE FLOOR TO VISITORS

Mr. Charles Sampson, 4200 Ponte Vedra Boulevard, talked about a fire in his yard and asked for assistance with the arson matter.

MAYOR AND CITY COUNCIL

(a) Employee of the Quarter Awards

Mayor Latham presented Employee of the Quarter Awards to the following employees:

- Jennifer Howe, Fire Department
- Dallis Hunter, Fire Department
- Michael Abate, Police Department

(b) Presentation on 26.2 with DONNA Run

Donna Deegan spoke about the race schedule and briefed the Council Members about the event.

Mr. Forbes said the route was the same as in the past years. He also noted there are 10,000 or more people expected to participate in the run, bringing a large number of visitors to our community. There will also be live music this year, as many other national races have. Music can begin at 8am but must maintain appropriate noise levels.

CITY CLERK

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CITY MANAGER

(a) Monthly Financial Reports – Month of December 2013

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to accept the Financial Reports for the month of December 2013.

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

(b) Award of RFP for Downtown Retail Recruitment

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the award of RFP 01-1314, titled Retail Feasibility, Strategic Planning, and Business Recruitment to the firm, *Retail Strategies*.

Mr. Forbes explained the downtown and major corridors of the City were studied for retail recruitment.

Council Member Wilson spoke against the motion.

Council Member Doherty spoke in favor of the project.

Council Member Vogelsang spoke in favor of the project.

Mayor Pro-Tem Taylor spoke in favor of the project.

Mayor Latham spoke in favor of the downtown project. He said it is important to have the help from Retail Strategies to bring business to the City and continue to develop the family-friendly atmosphere in Jacksonville Beach.

Roll call vote: Ayes - Hartkemeyer, Hoffman, Taylor, Vogelsang, Doherty, and Mayor Latham

Nays – Wilson

Motion carried by a vote of 6 to 1.

(c) Approve Implementation Plan to Accept Credit Card Payments from Customers for Utility and Other Governmental Services

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize a two percent convenience fee for the implementation of a credit card program, and the expenditure of funds for costs associated with the program, as explained in the memorandum from the Finance Officer, dated December 26, 2013.

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Mr. Forbes said a workshop had been held in December regarding the establishment of credit card payments over the counter at Utility Billing. Customer Surveys reflect the desire for credit card payment options for services. Extensive research has been done and it is an important program to implement for Utility Billing and other City departments. Expansion to request building inspections on line and other services could happen at a later date.

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

(d) Authorize the Execution of the Joint Defense and Common Interest Agreement with the North Florida Utilities Coordination Group.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize the execution of the Joint Defense and Common Interest Agreement with the North Florida Utilities Coordination Group. This will allow the City to participate with other members on the Florida Department of Environmental Protection (FDEP) rulemaking on Minimum Flows and Levels for the Lower Santa Fe and Ichetucknee Rivers, and Priority Springs, and pursue any legal action if necessary.

Mr. Forbes said this item was also discussed in the December workshop. He explained that the State would be establishing minimum flow levels in various creeks, which could impact our City. He said the City has partnered with eight other utility companies to make sure the minimum flows prescribed are set on accurate and scientific criteria. He also explained this vote would allow him to sign an additional agreement with this group to work with attorneys and the utility companies to make sure our City's interests are protected.

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

(e) Award Unit Price Bid #1213-14, Providing Roadway, Water, Sewer and Stormwater Improvements Along 1st Street N. (6th to 9th Ave.) and 7th Avenue N. (1st to 2nd St.), to the Lowest Qualified Bidder, *G & H Underground Construction, Inc.*

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to award Unit Price Bid Number 1213-14, titled "Phase 3-B Improvements Project", to the lowest qualified bidder, *G & H Underground Construction, Incorporated*, and authorize Construction Engineering Inspection Services with the project's design firm, *GAI Consultants, Incorporated*, as described in the memorandum from the Public Works Director, dated December 17, 2013.

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Mr. Forbes said this project is on 1st Street North from 6th and 9th Street, and at 7th Avenue North, between 2nd and 1st Streets. It is for reconstructing all necessary utilities and streets. The project has been approved by and is funded by the Community Redevelopment Agency. This is a six-month contract, a continuation of the Vision Plan Project, with completion date anticipated within four and one half to five months.

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

RESOLUTIONS

ORDINANCES

(a) **ORDINANCE NO. 2013-8040 – SECOND READING**

Mayor Latham requested that the City Clerk read Ordinance No. 2013-8040, by title only; whereupon Ms. Bullock read the following:

“AN ORDINANCE AMENDING CHAPTER 19.5, “OUTDOOR MUSICAL ENTERTAINMENT OR FESTIVALS”, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY REPEALING IT IN ITS ENTIRETY, AND REPLACING WITH A NEW CHAPTER 19.5, “SPECIAL EVENTS AND FESTIVALS”, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8040 that requires the City to regulate *Special Events and Festivals*, through a *Special Events Policy*, adopted by the City Council.

Mr. Forbes advised that the Ordinance would repeal an outdated ordinance adopted in 1979 on *Outdoor Music, Entertainment, and Festivals*, which has been obsolete for the past 10 years.

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

(b) **ORDINANCE NO. 2013-8037 – FIRST READING**

Mayor Latham requested that the City Clerk read Ordinance No. 2013-8037, by title only; whereupon Ms. Bullock read the following:

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“AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 6, ‘POLICE OFFICERS’ RETIREMENT SYSTEM’ OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH; TO PROVIDE FOR A MODIFICATION TO THE PARAMETERS FOR INVESTMENT OF ASSETS OF THE RETIREMENT SYSTEM; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8037, amending Chapter 2, Article V, Division 6, ‘Police Officers’ Retirement System’, of the Code of Ordinances of the City of Jacksonville Beach, to allow for changes in the Investment Policy for the Police Officers’ Pension Plan.

Mr. Forbes stated the ordinances pertain to all three Retirement Plans, and provide the same adjustments for the General, Police, and Fire Retirement Plans. The first change allows maximum investment equity to be increased from 50% to 65%. The second changes the measurement of investment equities from cost basis to market value, which will help maintain the investment percentages. The third item, allows a 10% Real Estate investment, which will increase diversity. These changes were recommended by the City’s Pension advisors.

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

(c) ORDINANCE NO. 2013-8038 – First Reading

Mayor Latham requested that the City Clerk read Ordinance No. 2013-8038, by title only; whereupon Ms. Bullock read the following:

“AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 7, ‘FIREFIGHTERS’ RETIREMENT SYSTEM’ OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH; TO PROVIDE FOR A MODIFICATION TO THE PARAMETERS FOR INVESTMENT OF ASSETS OF THE RETIREMENT SYSTEM; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8038, amending Chapter 2, Article V, Division 7, ‘Firefighters’

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Retirement System’, of the Code of Ordinances of the City of Jacksonville Beach, to allow for changes in the Investment Policy for the Firefighters’ Pension Plan.

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

(d) ORDINANCE NO. 2013- 8039 – First Reading

Mayor Latham requested that the City Clerk read Ordinance No. 2013-8039, by title only; whereupon Ms. Bullock read the following:

“AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 5, ‘GENERAL EMPLOYEES’ RETIREMENT SYSTEM’ OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH; TO PROVIDE FOR A MODIFICATION TO THE PARAMETERS FOR INVESTMENT OF ASSETS OF THE RETIREMENT SYSTEM; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8039, amending Chapter 2, Article V, Division 5, ‘General Employees’ Retirement System’, of the Code of Ordinances of the City of Jacksonville Beach, to allow for changes in the Investment Policy for the General Employees’ Pension Plan.

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

(e) ORDINANCE NO. 2014-8041 – First Reading

Mayor Latham requested that the City Clerk read Ordinance No. 2013-8041, by title only; whereupon Ms. Bullock read the following:

“AN ORDINANCE AMENDING CHAPTER 12, “FOOD AND FOOD PRODUCTS”, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY ADDING A SECTION 12-33, “MOBILE FOOD VENDING” ESTABLISHING DEFINITIONS; LOCATION, PERMIT, AND SEPARATION REQUIREMENTS; SIGNAGE AND NOISE, HOURS OF OPERATION, WASTE MANAGEMENT, LICENSING AND PERMITS REQUIRED, APPLICATION SUBMITTAL REQUIREMENTS, AND

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**ENFORCEMENT PROCEDURES FOR THE OPERATION OF
MOBILE FOOD VENDING BUSINESSES IN THE CITY OF
JACKSONVILLE BEACH; SETTING AN EXPIRATION (“SUNSET”)
DATE FOR THIS ORDINANCE; PROVIDING FOR THE REPEAL
OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.”**

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8041, amending Chapter 12, Food and Food Products, of the Code of Ordinances of Jacksonville Beach, by providing new definitions, regulations, and permitting requirements related to *Mobile Food Vendors* and *Mobile Food Vending Vehicles*, and by providing an expiration date.

Mayor Latham opened the Public Hearing.

The following people spoke against food trucks operating in Jacksonville Beach:

- Mr. Bill Stevens, 733 North 2nd Avenue
- Mr. Tony Hall, 122 Seabreeze Avenue
- Mr. Ed Malin, 1436 Beach Boulevard
- Mr. Robert Tilka, 3584 Trident Court

The following people spoke in favor of food trucks operating in Jacksonville Beach:

- Mr. Mike Binder, 11125 Avenue South, Unit M-21
- Mr. John Stanford, 154 Jardin De Mer Place, Unit 154
- Mr. Anthony Hashem, 110 Davis Street, Neptune Beach
- Ms. Lisa Asker, 313 Brooks Circle East, Jacksonville
- Mr. Mike Field, 48432 Palmer Circle, Jacksonville
- Mr. Javier Meranda 1961 Apulia Court, Atlantic Beach

Mr. Mike Stang, 1020 North 19th Street, said he thought the City should get an opinion from *Retail Strategies* and see what their experience has been with food trucks.

Mr. Mick DeRocher, 41 Millie Drive, said he was impartial to food trucks in Jacksonville Beach. He asked if the City really needed to hire *Retail Strategies* to tell us what direction to go.

Seeing that no one else who wished to address the Council, Mayor Latham closed the Public Hearing.

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Mr. Forbes explained the three ordinances. The first is regarding regulations of food trucks, the second is permitted zoning areas, and the third is allowing enforcements of food trucks at Special Magistrate Hearings. He reviewed the regulations of the three ordinances that the food trucks must follow, and said food truck businesses will be required to apply for a Local Business Tax Receipt. Mr. Forbes reiterated that this is a pilot project and it will end on April 30, 2015.

Mayor Pro-Tem Taylor said he has spoken to several brick and mortar businesses about the food trucks and has looked at all different aspects of both sides. He is in favor of the pilot program and reminded the audience competition is a part of doing business. He complimented City staff for the work done on the project.

Council Member Wilson spoke against food trucks. She is concerned about the parking spaces available for customers, if a food truck is parked in two or three spaces in the lot. She suggested a compromise to not allow food trucks in the downtown area.

Council Member Doherty said he was originally against food trucks in the City. He acknowledged that there is competition in any industry and now feels it is time to give food trucks an opportunity. The majority of residents and restaurant owners that he has spoken to tell him they are in favor of food trucks. He added that retail businesses might also experience increased sales due to the customers the food trucks would bring to the beach.

Council Member Hartkemeyer stated he was not in favor of food trucks. He expressed concerns about disposal of the grease and trash.

Council Member Hoffman spoke in favor of food trucks. The residents and businesses that she has spoken to are in favor of the food trucks at the beach.

Council Member Vogelsang spoke in favor of food trucks, and said it is a new opportunity for Jacksonville Beach.

Mayor Latham spoke in favor of food trucks. He complimented and thanked the City staff for the work done on the food truck ordinances. He noted that businesses are the City customers and that a great deal of money the City collects is from residential, commercial taxes and the Local Business Tax. Mayor Latham also reminded the audience that the pilot program would give the opportunity to analyze the impact food trucks would or would not have on businesses.

Roll call vote: Ayes - Taylor, Vogelsang, Doherty, Hoffman, and Mayor Latham;
Nays - Wilson, Hartkemeyer
Motion carried by a vote of 5 to 2.

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(f) ORDINANCE NO. 2014-8042 – First Reading (Public Hearing)

Mayor Latham requested that the City Clerk read Ordinance No. 2013-8042, by title only; whereupon Ms. Bullock 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, BY ADDING NEW DEFINITIONS AND MOBILE FOOD VENDORS AS A PERMITTED USE IN THE COMMERCIAL LIMITED: C-1, COMMERCIAL GENERAL: C-2, COMMERCIAL SERVICE: CS, CENTRAL BUSINESS DISTRICT: CBD; AND CERTAIN REDEVELOPMENT DISTRICT: RD AND PLANNED UNIT DEVELOPMENT: PUD ZONING DISTRICTS; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8042, amending the text of the Land Development Code to provide definitions for *Mobile Food Vending Vehicle* and *Mobile Food Vendor*, and to add *Mobile Food Vendors* to the list of permitted uses in C-1, C-2, CS, and CBD zoning districts and to permit same in existing RD and certain existing PUD zoning districts.

Mr. Forbes explained that this is the first reading of the ordinance, and it must also pass on the second reading. This only applies to the jurisdiction of Jacksonville Beach. The ordinance is about the zoning where the food trucks will be allowed to conduct business. All the requirements must be met prior to a food truck doing business in the City.

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

(g) ORDINANCE NO. 2014-8043 – First Reading

Mayor Latham requested that the City Clerk read Ordinance No. 2013-8043, by title only; whereupon Ms. Bullock read the following:

“AN ORDINANCE AMENDING CHAPTER 2, “ADMINISTRATION”, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY ADDING A NEW PARAGRAPH (5) TO SECTION 2-173, “JURISDICTION OF SPECIAL MAGISTRATE” PLACING ENFORCEMENT OF CHAPTER 12

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AND AUTHORITY OF THE SPECIAL MAGISTRATE; PROVIDING
FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH
THIS ORDINANCE; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN
EFFECTIVE DATE.”**

It was noted that there is a Scriveners’ error in the ordinance at “paragraph (5)” which should be “paragraph (6)”.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8043, amending Section 2-173 Jurisdiction of the Special Magistrate of Chapter 2, Administration, of the Jacksonville Beach Code of Ordinances, placing the regulation of food trucks under the jurisdiction of the Special Magistrate.

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

ADJOURNMENT

There being no further business coming before the Council, Mayor Latham closed the meeting at 8:50 p.m.

Submitted by: Catherine Martinich
Staff Assistant

Approval:

/s/William C. Latham

William C. Latham, Mayor

Date: February 3, 2014