

**Minutes of Regular City Council Meeting
held Monday, February 3, 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 Vogelsang; followed by the Salute to the Flag.

ROLL CALL:

Mayor: William C. Latham

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

Also present were City Manager George Forbes, Judy Bullock, City Clerk, and City Department Directors.

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 January 21, 2014

ANNOUNCEMENTS

Councilmember Taylor–

- Mr. Taylor announced that the BEAM Beach Ball was a great success. He added that the event was held at the Sawgrass Marriott.

Councilmember Wilson –

- Ms. Wilson advised that the next Art Walk would be held on Tuesday, February 11, 2014. She added that the event has been advantageous for the area businesses.

Mayor Latham –

- Mayor Latham stated that he and Police Chief Dooley held a Town Hall meeting on January 30, 2014, with approximately 175 Fletcher Middle School students, parents and staff. He

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added that there were some great insightful comments from the students and they are looking forward to establishing a Junior Council.

- Mayor Latham announced that the charity event, “*Chariots of Fur*” would be held on Saturday, February 8, 2014, at 8:30 a.m. He advised that the proceeds are used to help fund the St. Francis Animal Hospital and added that the animal hospital provides veterinary services to animals in need.

COURTESY OF THE FLOOR TO VISITORS

- Mick DuRocher, 41 Millie Drive, Jacksonville Beach
Mr. DuRocher commented that the Downtown area seems to demand a great amount of time and effort. He also apologized to the Council for some comments he made regarding their ability to choose what type of businesses the City needs.
- Bruce Thomason, former Police Chief, Jacksonville Beach
Mr. Thomason advised he had seen a marquee on First Street, in front of an alcohol establishment that read, “I know my limit; if I fall I’ve had enough”. He added that the City does not wish to send that type of message to citizens or visitors.

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

RESOLUTIONS

ORDINANCES

(a) **ORDINANCE NO. 2013-8037 – SECOND READING**

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

“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

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**ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR
CODIFICATION AND PROVIDING AN EFFECTIVE DATE.”**

Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, 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 explained that there are three ordinances (2013-8037, 2013-8038, 2013-8039), one for each of the pension plans, Fire, General, and Police and each ordinance addresses the same issue. They allow an increase in the maximum investment in equities to go from 50% to 65%, and change the measurement of equity investments from a cost basis to a market value. The ordinances also allow a maximum investment in real estate of 10%.

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

(b) ORDINANCE NO. 2013-8038 – SECOND 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. Vogelsang, to adopt Ordinance No. 2013-8038, amending Chapter 2. Article V, Division 7, ‘Firefighters’ 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 - Hoffman, Taylor, Vogelsang, Wilson, Doherty, and Mayor Latham; motion carried unanimously.

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(c) ORDINANCE NO. 2013-8039 – SECOND 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. Vogelsang, 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 - Taylor, Vogelsang, Wilson, Doherty, Hoffman, and Mayor Latham; motion carried unanimously.

(d) ORDINANCE NO. 2014-8041 – SECOND READING

Mayor Latham requested that the City Clerk read Ordinance No. 2014-8041, 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 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

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**SEVERABILITY; PROVIDING FOR CODIFICATION; AND
PROVIDING FOR AN EFFECTIVE DATE.”**

Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to adopt Ordinance No. 2014-8041, 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.

Mr. Forbes advised that the next three ordinances (2014-8041, 2014-8042, 2014-8043) deal with the operation of *Mobile Food Trucks*. The ordinance currently under consideration sets the regulations. *Mobile Food Trucks* can only be on private property, there can be one food truck if the property is at least 6,000 square feet to an acre, and properties greater than an acre can have two food trucks. The trucks must be removed each night to a commissary and there is a sunset date for this pilot project of April 30, 2015. Mr. Forbes added that regulations for grease, trash, etc. are also outlined in the ordinance.

Roll call vote: Ayes - Vogelsang, Doherty, Hoffman, Taylor, and Mayor Latham;
Nays - Wilson. Motion carried by a vote of 5 to 1.

(e) ORDINANCE NO. 2014-8042 – SECOND READING – PUBLIC HEARING

Mayor Latham requested that the City Clerk read Ordinance No. 2014-8042, 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. Vogelsang, to adopt Ordinance No. 2014-8042, amending the text of the Land Development Code to provide definitions for *Mobile food vending vehicle* and *Mobile food vendor*, and to add

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Mobile food vendor, and to add *Mobile Food Vendors* to the list of permitted uses in C-1, C-2, CS, and CDB zoning districts and to permit same in existing RD and certain existing PUD zoning districts

Mr. Forbes explained that this ordinance establishes the zoning areas where *Mobile Food Trucks*, can operate. They can set up in the following zoning districts: C-1 - light commercial; C-2 - general commercial; CS - commercial service; CBD – central business district; RD – redevelopment district; and certain existing PUDs.

Public Hearing

Mayor Latham opened the Public Hearing.

There being no one who wished to address the Council, Mayor Latham closed the Public Hearing.

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

(f) ORDINANCE NO. 2014-8043 – SECOND READING

Mayor Latham requested that the City Clerk read Ordinance No. 2014-8043, 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 (6) TO SECTION 2-173, “JURISDICTION OF SPECIAL MAGISTRATE” PLACING ENFORCEMENT OF CHAPTER 12 “FOOD AND FOOD PRODUCTS” UNDER THE JURISDICTION 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..”

Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to adopt Ordinance No. 2014-8043, 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.

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Mr. Forbes stated that this ordinance places the regulations for operation of *Mobile Food Trucks*, to be enforced by the Special Magistrate.

Ms. Hoffman asked when the City would be ready for food trucks to operate. Mr. Forbes responded that administration would be prepared by Monday.

Mr. Vogelsang advised that "*Business Insider*" ran an article on the top 150 exciting suburbs to live and Jacksonville Beach was ranked seventh and ranked fourth for active life options. Mr. Vogelsang read the article, which showed Jacksonville Beach in a very positive way.

Mayor Latham extended his appreciation to City staff for their efforts to find a fair compromise for the Food Truck Pilot Program.

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

(g) ORDINANCE NO. 2014-8047 – First Reading

Mayor Latham requested that the City Clerk read Ordinance No. 2014-8047, 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 COMPLIANCE WITH THE INTERNAL REVENUE CODE; 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. Vogelsang, to adopt Ordinance No. 2014-8047, amending Chapter 2, Article V, Division 5, ‘General Employees’ Retirement System’, of the Code of Ordinances of the City of Jacksonville Beach to comply with IRS requirements and the favorable Determination Letter.

Mr. Forbes advised that there are three ordinances (2014-8047, 2014-8048, 2014-8049) that pertain to IRS regulations in the City’s three pension plans.

City Pension Attorney Ken Harrison, 100 Miracle Mile, Coral Gables, Florida, explained the purpose of the three ordinances. Mr. Harrison advised in the past, the IRS allowed pension plans to adopt their regulations by reference. Now, the IRS requires that the pension plans must specify the regulations in detail. He added that the City’s three plans have received IRS Determination Letters, which means that the pension plans are considered to be in

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compliance with IRS regulations, provided that the plans adopt the IRS language. Mr. Harrison advised that they are in the process of applying for new IRS Determination Letters, which will be in effect for five years. This process requires the pension plans to notify the IRS of any changes to the pension plans for the past five years along with any IRS regulation changes and apply for new Determination Letters.

Mr. Forbes added that the ordinances do not change pension benefits, or the way they are calculated.

Mr. Harrison stated that the actuary has prepared an impact statement that shows there is no financial impact to cost or benefits.

Mr. Forbes advised that the impact statements would be prepared by the second reading of the ordinances.

Ms. Wilson asked if the City should make any changes to the pension plans, would that require the City to immediately report the changes to the IRS and apply for a new Determination Letters. She also asked if the IRS language is mandatory to be in the pension plans..

Mr. Harrison responded that the Plans must report and apply for Determination Letters every five years and any changes would be reported at that time. He added that inclusion of the IRS language is required.

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

(h) ORDINANCE NO. 2014-8048 – First Reading

Mayor Latham requested that the City Clerk read Ordinance No. 2014-8048, by title only; whereupon Ms. Bullock read the following:

“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 COMPLIANCE WITH THE INTERNAL REVENUE CODE; 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. Vogelsang, to adopt Ordinance No. 2014-8048, amending Chapter 2, Article V, Division 6, ‘Police Officers’

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Retirement System’, of the Code of Ordinances of the City of Jacksonville Beach to comply with IRS requirements and the favorable Determination Letter.

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

(i) ORDINANCE NO. 2014-8049 – First Reading

Mayor Latham requested that the City Clerk read Ordinance No. 2014-8049, by title only; whereupon Ms. Bullock read the following:

“AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 7, ‘FIREFIGHTERS’ RETIRMENT SYSTEM’ OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH; TO PROVIDE FOR COMPLIANCE WITH THE INTERNAL REVENUE CODE; 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. Vogelsang, to adopt Ordinance No. 2014-8049, amending Chapter 2, Article V, Division 7, ‘Firefighters’ Retirement System’, of the Code of Ordinances of the City of Jacksonville Beach to comply with IRS requirements and the favorable Determination Letter.

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

(j) ORDINANCE NO. 2014-8044 – First Reading

Mayor Latham requested that the City Clerk read Ordinance No. 2014-8044, by title only; whereupon Ms. Bullock read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE V OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, “EMPLOYEE BENEFITS,” DIVISION 5, RETIREMENT PLAN FOR GENERAL EMPLOYEES OF THE CITY OF JACKSONVILLE BEACH, TO PROVIDE FOR PERMITTING DEPARTMENT HEADS THE OPTION TO RESCIND THEIR ELECTION TO PARTICIPATE IN THE PLAN ONE TIME BEFORE VESTING; TERMS GOVERNING THE BUY-IN AND BUY-OUT OF SERVICE CREDIT RELATED TO SUCH

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ELECTIONS; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to adopt Ordinance No. 2014-8044, amending Chapter 2, Article V, Division 5, ‘General Employees’ Retirement System’, of the Code of Ordinances of the City of Jacksonville Beach.

Mr. Forbes explained that for several years now, department heads are not required to participate in the pension plans. The same applies to City Managers because they are not usually in a city for ten years, which is the amount of time required to be vested (eligible to receive pension benefits). The three Ordinances, *2014-8044 - General Employees’*, *2014-8045 - Firefighters’*, and *2014-8046 - Police Officers’* allow Department Directors, the Fire Chief, and the Police Chief, a one-time option to rescind their election to participate in the pension system before they vest.

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

(k) ORDINANCE NO. 2014-8045 – First Reading

Mayor Latham requested that the City Clerk read Ordinance No. 2014-8045, by title only; whereupon Ms. Bullock read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE V OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, “EMPLOYEE BENEFITS,” DIVISION 6, RETIREMENT PLAN FOR POLICE OFFICERS OF THE CITY OF JACKSONVILLE BEACH, TO PROVIDE FOR PERMITTING THE POLICE CHIEF THE OPTION TO RESCIND THEIR ELECTION TO PARTICIPATE IN THE PLAN ONE TIME BEFORE VESTING; TERMS GOVERNING THE BUY-IN AND BUY-OUT OF SERVICE CREDIT RELATED TO SUCH ELECTIONS; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to adopt Ordinance No. 2014-8045, amending Chapter 2, Article V, Division 6, ‘Police Officers’ Retirement System’, of the Code of Ordinances of the City of Jacksonville Beach.

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

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(I) ORDINANCE NO. 2014-8046 – First Reading

Mayor Latham requested that the City Clerk read Ordinance No. 2014-8046, by title only; whereupon Ms. Bullock read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 2, ARTICLE V OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, “EMPLOYEE BENEFITS,” DIVISION 7, RETIREMENT PLAN FOR FIREFIGHTERS OF THE CITY OF JACKSONVILLE BEACH, TO PROVIDE FOR PERMITTING THE FIRE CHIEF THE OPTION TO RESCIND THEIR ELECTION TO PARTICIPATE IN THE PLAN ONE TIME BEFORE VESTING; TERMS GOVERNING THE BUY-IN AND BUY-OUT OF SERVICE CREDIT RELATED TO SUCH ELECTIONS; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Vogelsang, to adopt Ordinance No. 2014-8046, amending Chapter 2, Article V, Division 7, ‘Firefighters’ Retirement System’, of the Code of Ordinances of the City of Jacksonville Beach.

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

ADJOURNMENT

There being no further business coming before the Council, Mayor Latham adjourned the meeting at 7:42 p.m.

Submitted by: Judy L. Bullock
City Clerk

Approval:

/s/William C. Latham

William C. Latham, Mayor

Date: February 17, 2014