

**Minutes of Regular City Council Meeting
held Monday, December 15, 2014, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



CALL TO ORDER:

Mayor Charles Latham announced the closing of the Executive Session at 7:00 PM. There was a ten minute recess.

The Council reconvened at 7:10 PM and Mayor Latham called the Regular City Council 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: Lee Buck Keith Doherty Christine Hoffman
Bruce Thomason (absent) Phil Vogelsang Jeanell Wilson

Also present was City Manager George Forbes, and Assistant City Clerk Nancy Pyatte.

APPROVAL OF MINUTES

It was moved by Ms. Wilson, seconded by Ms. Hoffman, and passed, to approve the minutes of the Regular City Council Meeting held December 1, 2014, as presented.

ANNOUNCEMENTS

Mayor Latham –

Mayor Latham made the following announcements:

- The Mayor attended the Duval County Legislative Delegation meeting on December 3rd. He congratulated our friend, House Representative Janet Adkins, for being elected as Chair of the Delegation.
- Congratulations to the 19th Street Charities for another amazing year of service to those who are less fortunate in our community. This year they raised \$30,000 in donations and provided hundreds of bicycles and toys to kids in the community. The celebration moved to Latham Plaza this year, as it got too big for the 19th Street location.
- Sterling Joyce held his 15th Annual Birthday Celebration at the Casa Marina on December 10th. There was a great turnout and thanks to Sterling for contributing to the community during the holidays.

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- The Mayor and Police Chief Dooley held a Town Hall meeting in our council chambers for Fletcher Middle School students and parents. Every seat was filled.
- Thanks to the Atlantic Beach Experimental Theatre (ABET) for sponsoring a fund raiser for Dial-a-Ride on Thursday. Thanks to Lee Buck and Bruce Thomason for attending and supporting Dial-a-Ride.
- Attended the Carver Center Christmas Party on Saturday
- Attended the 'Deck the Chairs Holiday Celebration' and congratulations to Kurtis Loftus and his team.

Council Member Jeanell Wilson –

Ms. Wilson announced the Pier Dance is tonight at the Casa Marina Hotel, sponsored by John Miller and Sterling Joyce. This is a benefit event for BEAM.

COURTESY OF THE FLOOR TO VISITORS

- Jim Overby, 21 Burling Way, Jacksonville Beach
Mr. Overby talked about the traffic from the shopping center, turning left/south onto South Beach Parkway behind Bed Bath & Beyond. He stated it has become very dangerous and suggested placing barricades to prevent the left turns.

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

(a) Monthly Financial Reports – Month of November 2014

Motion: It was moved by Ms. Wilson, seconded by Ms. Hoffman, to approve the monthly Financial Reports for the Month of November 2014, as presented.

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

Deviation from agenda...

EXECUTIVE SESSION / SHADE MEETING

Mayor Latham stated a Shade Meeting was held earlier to discuss pending litigation, Church of Our Savior v. City of Jacksonville Beach.

Susan Erdelyi, City Attorney, took the floor to address the Council. Ms. Erdelyi stated that a Shade Meeting was held today at 5:00 PM regarding the case of Church of Our Savior v. City

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of Jacksonville Beach, a Federal Court case. The Shade Meeting is now closed and Ms. Erdelyi requested if Council had direction to give in this case.

Motion: It was moved by Ms. Wilson, seconded by Ms. Hoffman, to direct Attorney Dale Scott, the City's outside counsel, to file the appropriate motions and appeals, and to attempt to negotiate in good faith to obtain a reasonable resolution.

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

The Mayor summarized that the Shade Meeting was announced in an open meeting at 5:00 PM in the council chambers. Then the Mayor and Council moved the meeting upstairs, along with the City's attorneys, the City Manager, and a court reporter. The purpose of this meeting was to have discussion about the lawsuit and determine how the City should proceed. The discussion is private until the lawsuit has been decided and cleared, then, at such time, it will become public record.

CITY MANAGER (continued)

(b) Approve the Relocation of the Oesterreicher/McCormick Homestead Home to the Beaches Museum Site in Jacksonville Beach

Motion: It was moved by Ms. Wilson, seconded by Ms. Hoffman, to approve the relocation of the Oesterreicher/McCormick Homestead building to the Historical Park property waiving the permit fees, and with the conditions described in a memo from the City Manager dated December 6, 2014.

Darby Brower, Linda Lanier, and Jack Schmitt – all Board Members of the Beaches Area Historical Society, Beaches Museum and History Park – took the floor to address the Council.

Mr. Brower gave a brief history of Oesterreicher/McCormick Homestead building and how it was offered to become part of the Beaches Museum and History Park. Mr. Brower stated that the Beaches Area Historical Society has over \$75,000 now, plus with future commitments, he anticipates \$101,000 to be available to pay for the costs of the move and construction. After the relocation is completed, Mr. Brower stated they will also be applying for a variance (from Board of Adjustment).

Mr. Forbes stated the Beaches Area Historical Society plans to move this building to the park property to create a village of historical buildings, as displayed in the photos. He stated they are requesting the City waive any permit fees (building, water, sewer connection, police dept.) associated with the relocation, placement and construction of this building so their funding can be utilized for the move and the improvements. The Historical Society states there is sufficient funding available and pledged to cover the relocation and all the necessary improvements.

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Mr. Forbes reviewed the four conditions, as detailed in his memo, that would be in place should this be approved. Any of the fees that are waived are only fees that the City has the authority to do so.

Ms. Wilson questioned if the Historical Society received permission/support from St. Johns County, and also if they agreed to the conditions.

Ms. Hoffman responded that the house movers are responsible for that and they have received permission from St. Johns County. The Historical Society agrees with the conditions.

Mr. Vogelsang asked what is the amount of the fees waived. The City Manager responded they are approximately \$3,825.

Mr. Doherty stated this will be a great addition to the area and to the Historical Society in preservation of history.

Ms. Hoffman stated she was very impressed with the Historical Society and their passion. They have moved four buildings and a train that are part of the beaches history.

Council member Hoffman stated that she would abstain from voting on this item. The applicant, Beaches Museum and History Park, is her employer, where she is the Executive Director. (copy of Form 8B Voting Conflict, on file)

The City Manager stated one last item of concern is that the Historical Society has funds to ensure this building can be moved to the site and fully reconstructed with a certificate of occupancy within 10 months after the move.

Mr. Brower responded stating that the Historical Society is confident in their funding resources to complete this project and maintain in the future.

Disclosure, Members of the Historical Society:

George Forbes, Jeanell Wilson, Lee Buck, Charlie Latham

Roll call vote: Ayes - Doherty, Vogelsang, Wilson, Buck, and Mayor Latham
Abstain - Hoffman
Motion carried with 5 votes.

(c) Approve the Firm of Purvis Gray & Company to Perform Audit Services

Motion: It was moved by Ms. Wilson, seconded by Ms. Hoffman, to approve Purvis Gray & Company to conduct the city's audit for a period of three years with an option to renew for two additional years upon the approval of the City Manager.

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Mr. Forbes advised, as per the Florida Statutes, Section 218, the City is required to issue an RFP for audit services. The City received responses from six (6) qualified audit firms. Mr. Forbes stated that Purvis Gray has a good understanding of electric utilities and they received the highest rating from the Selection Committee.

Mr. Vogelsang asked about the \$2,500 increase for the 2nd and 3rd years and he asked if the other firms were offering the same. Finance Officer, Harry Royal, explained that some companies did break down the difference and he stated that this is actually \$1,000 less than what the City has been paying.

Mr. Doherty asked how long this company has been the auditor and Mr. Royal responded 20 years.

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

(d) Award Bid Number 1415-01 for Lawn Care and Landscape Maintenance to the Lowest Bidders Green Escapes Landscapes Management as the Primary Contractor and the Chad Brock Enterprises as the Secondary Contractor

Motion: It was moved by Ms. Wilson, seconded by Ms. Hoffman, to award Bid Number 1415-01 for lawn care and landscape maintenance to Green Escapes Landscapes Management as the primary contractor and to Chad Brock Enterprises as the secondary contractor for a period of three (3) years, with the City Manager having the authority to renew the contract for three (3) additional one-year periods, as described in the memorandum from the Purchasing Administrator dated December 6, 2014.

Mr. Forbes advised this is for landscape maintenance for 16 BES substations, for weekly mowing and landscape maintenance. Palm trimming, mulching, irrigation repairs are included on an 'as needed' basis. There were 13 invitations to bid and we received 9 bid responses.

There was a brief discussion about the 'as needed' costs and the bids. These two companies have not worked for the City prior to this.

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

RESOLUTIONS

RESOLUTION NO. 1942-2014

Mayor Latham requested that the Clerk read Resolution No. 1942-2014, by title only; whereupon Ms. Pyatte read the following:

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“A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY ONLINE.”

Motion: It was moved by Ms. Wilson, seconded by Ms. Hoffman, to adopt Resolution No. 1942-2014, A Resolution Providing for the Sale of Surplus Property.

The City Manager stated that periodically the City conducts a public auction for surplus equipment that is no longer needed. This is accomplished on-line by GovDeals at no charge to the City. The majority of the items are obsolete IT/Computer equipment, with some vehicles and tools.

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

ORDINANCES

ORDINANCE NO. 2014-8061 – Second Reading

Mayor Latham requested that the Clerk read Ordinance No. 2014-8061, by title only; whereupon Ms. Pyatte read the following:

“AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA BY AMENDING ARTICLE II, SECTION 12-33. – MOBILE FOOD VENDING OF CHAPTER 12 – FOOD AND FOOD PRODUCTS TO REPEAL AND DELETE PARAGRAPH (9) EXPIRATION (‘SUNSET’) DATE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Wilson, seconded by Ms. Hoffman, to adopt Ordinance No. 2014-8061, amending Chapter 12, Section 12-33 – Mobile Food Vending of the Code of Ordinances of the City of Jacksonville Beach, by repealing and deleting Paragraph (9) *EXPIRATION (“SUNSET”) DATE*.

Mr. Forbes explained the Food Truck ordinance expires April 30, 2015. Since inception, the process has been going very well and he recommended that the “sunset” expiration date should be removed from the ordinance, while leaving the regulations and requirements in place.

Roll call vote: Ayes - Buck, Doherty, Hoffman, Vogelsang, and Mayor Latham
Nays - Wilson
The motion carried by a 5 to 1 vote.

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ADJOURNMENT

There being no further business coming before the Council, Mayor Latham adjourned the meeting at 7:40 p.m.

Submitted by: Nancy J. Pyatte
ASSISTANT CITY CLERK

Approval:

/s/William C. Latham

William C. Latham, MAYOR

Date: January 20, 2015