

**Minutes of Regular City Council Meeting
held Monday, May 4, 2020, at 6:00 P.M.
via Video Conference
Jacksonville Beach, Florida**



STATEMENT OF THE MAYOR:

Mayor Charlie Latham made the following statement:

“Pursuant to Governor Ron DeSantis’ Executive Order No. 20-112, which extends the Executive Order No. 20-69, municipalities may continue to conduct meetings of their governing boards without having a quorum of its members physically present in any specific location, and they may utilize communications media technology (CMT) to conduct the meeting for public attendance and presentations at the meeting

On April 6, 2020, the City of Jacksonville Beach City Council further approved at their public meeting the use of CMT and alternative start times to conduct their Council meetings and briefings.

Accordingly, this City Council meeting is being held in a modified manner. We are using CMT pursuant to the Governor’s Orders to conduct City business and to protect public, Council, and staff’s health, safety, and welfare.

Additionally, pursuant to the Governor’s Orders prohibiting large gatherings and requiring social distancing, and the local emergency orders of closure of government buildings, the public is not physically present at City Hall tonight.

In a moment, the City Attorney will explain the CMT procedures and adaptations for the public attendance and public comment that have been put in place and are being utilized.

The City Council members and City personnel are appearing through CMT.”

OPENING CEREMONIES:

Council Member Vogelsang provided the Invocation, followed by the Pledge of Allegiance.

CALL TO ORDER:

Mayor Latham called the meeting to order at 6:00 P.M.

Mayor Latham invited City Attorney Chris Ambrosio to explain the CMT procedures and adaptations put in place and being utilized for this meeting.

Mr. Ambrosio explained the CMT instructions and opportunities for the public to attend and participate were published on various platforms in a public notice [*on file*]. He went over the options for the public to view and listen: via Livestream on the City’s YouTube Channel, by phone, and through hearing or speech impaired relay service. The public was notified they could submit questions and comments for an agenda item or Courtesy of the Floor by submitting written comments to the City Clerk via email, U.S. mail, through the drop box located at City Hall, or they could complete an online submission form. Any comments received would be read into the record by the City Clerk or City Attorney. The public could preregister to comment during the meeting utilizing the Zoom platform if they had the proper equipment. Mr. Ambrosio stated council members would not use any technology to communicate among themselves about any agenda item or topic being discussed.

Mayor Latham invited Congressman John Rutherford to speak on the federal response to the COVID-19 pandemic. Congressman Rutherford stated the following related to the federal CARES (Coronavirus Aid, Relief, and Economic Security) Act:

- 74% of loans were for \$150,000 or less, indicating it was going to small business;
- Tried to get money out as quickly as possible to businesses;
- Money is intended for employees;
- If a business wanted the loan to become a grant, a minimum of 75% of their loan must have been spent on their employees' payroll;
- If the money does not go to the employees, then the money would be a loan, and the business would have to pay it back;
- \$25 Million went to the Inspector General's office to review the loans;
- The responsibility for the application is on the borrower, not the lender;
- The CARES Act 2.0 provided:
 - An additional \$484 Billion in resources
 - An additional \$310 Billion to the PPP (Paycheck Protection Program)
 - A total of \$670 Billion in the PPP
 - An additional \$20 Billion for Economic Injury Disaster Loans (EIDL) through the SBA (Small Business Administration)
 - An additional \$50 Billion for the Disaster Loan Program
 - \$60 Billion of the \$310 Billion was set aside for small lenders to lend out
 - Under the CARES Act 2.0, the average loan amount is approximately \$79,000, indicating it is going to small businesses;
- \$75 Billion went to hospitals, children's hospitals, and rural hospitals
 - \$825 Million went to community health centers
 - \$25 Billion went to testing
 - \$22 Billion to the FDA (Food and Drug Administration) for testing
 - 50% went to state and local for testing and tracing;
- \$700 Billion was sent to states for testing and PPEs (Personal Protective Equipment).

Congressman Rutherford responded to comments and questions from Council Members related to the CARES Act loans and the short term impact on the federal budget.

Mayor Latham stated he wanted to let Congressman Rutherford speak while he was available by telephone, so there was a deviation from the agenda schedule.

ROLL CALL:

Mayor: William C. Latham

Council Members: Keith Doherty (absent) Georgette Dumont Sandy Golding
Christine Hoffman Cory Nichols Phil Vogelsang

Also present were City Manager Mike Staffopoulos, City Attorney Chris Ambrosio, and City Clerk Laurie Scott.

APPROVAL OF MINUTES:

Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, and passed unanimously to approve the following minutes:

- Regular Council Meeting held on April 20, 2020
- Council Briefing held on April 27, 2020

ANNOUNCEMENTS:

Ms. Hoffman announced she had partnered with a Jacksonville Beach based marketing company on the Beaches 2.0 campaign with the goal of keeping the community informed as beaches small businesses reopen safely. She also announced there was a new BEAM (Beaches Emergency Assistance Ministry) campaign called Keep Their Homes. BEAM provides rent assistance to beaches community residents. The goal is \$50,000, and the campaign runs through May 15, 2020.

Ms. Golding announced on May 6, 2020, Beaches Watch would have a virtual community meeting with Beaches School Board Representative Elizabeth Andersen and Superintendent Dr. Diana Greene. They would be speaking about the status of the schools, updates regarding COVID-19, and the half-cent sales tax on the November ballot.

Ms. Dumont congratulated the Spring 2020 UNF graduates.

COURTESY OF THE FLOOR TO VISITORS:

Mayor Latham extended Courtesy of the Floor to visitors. Whereby, Ms. Scott read submitted comments into the record [on file]:

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach - "Now that the city is using zoom technology to keep council meetings and briefings progressing forward, I was wondering if now is not the time to use same technology with the CRA. This type of technology should be considered not only for monthly meetings, but also use to increase both the number of briefings within the committee, or between the council and CRA. Some of the issues that I believe are worthwhile to explore or get updates on include: 1) Is the law firm that was hired to consolidate the various Vision Plans still on target to deliver the product when expected? If not, what is the expected date and how will the date impact the CRA from using said result to finalize a unified Vision Plan by year end? 2) Based on current economic forecasts, what is the status for all major downtown construction projects and expected completion dates? 3) Attempt to ascertain any challenges and opportunities in our downtown should a potential down economy occur. We know from our most recent citizen Vision meetings, that a common concern among citizens is that we are not realizing the full capabilities of what our downtown should offer for the residents. Obviously, the crystal ball is very unclear about our future economic picture, but proper Downtown Jax Beach planning is very critical, if not essential, during this period. As you know, the 2007 Vision Plan was completed just prior to the 2008 crash, and much was left incomplete. Hopefully we can learn from that experience. There is no doubt that everyone within city hall has much on their plate during the unprecedented period. I only ask that value, importance, and the priority of progressing the CRA mission be considered during this crisis period."
- Sue Ann Alleger, 1084 16th Avenue South, Jacksonville Beach – "16th Avenue South Traffic and Lighting Nuisance Complaint. On March 26, 2020 a letter was sent via email to Commissioner Nichols. That letter is attached [no letter attached to submitted comments]. In a follow-up phone conversation on April 20, Mr. Nichols noted that he had contacted Chief Smith regarding the lack of traffic limit signs and traffic speed problems along 16th Avenue South and Director Mann of the Planning Department regarding nuisance lighting from the Baptist Beaches parking area along 16th Avenue South. Both City of Jacksonville Beach staff were to visit the area and provide information. Mr. Nichols

had nothing to report on April 20. This letter provides the second inquiry into what is going to be done to slow traffic, inform drivers of the lawful speed limit, enforce the speed limit and mitigate for the nuisance lighting from the Baptist Beaches parking lot overhead lights. The residents along 16th Avenue South request: 1. Two to four 15 MPH speed limit signs in both directions of 16th Avenue South between 11th Street and 9th Street. 2. Speed trailer with radar between 10th Street South and 9th Street just before the curve to alert drivers of their traveling speed and to provide traffic count and speed data. 3. Speed limit markings be painted on the road surface of both travel lanes between Roberts Drive and 9th Street South at frequent intervals reflective of FDOT Design Standard Plan guidelines. 4. Replacement or adaption of the parking lot lights in the 16th Avenue South Baptist Beaches parking lot to prevent nighttime nuisance illumination into adjacent homes. The residents and families along 16th Avenue South demand the council focus on these problems before an accident or fatality occurs. Speed kills and we cannot ask residents to obey a law if no information exists to inform them of the law. Thank you.”

Mr. Nichols commented he, Chief Gene Paul Smith, and Director of Planning and Development Bill Mann had been in contact with Ms. Alleger about addressing these issues.

Communications Manager Jacob Board announced there was one preregistered call-in speaker for Courtesy of the Floor.

- Jennifer McKeever [via dial in], 2821 Sebastian Court, Jacksonville, (904) 935-4296, spoke about the lack of small business spaces available that have running hot water. She stated building owners should have to put in hot water at their expense.

MAYOR AND CITY COUNCIL: *No items*

CITY MANAGER:

Item #20-097 – Appoint/Reappoint Three Members to the Police Officers’ Pension Board

Mr. Staffopoulos addressed both Item #20-097 and Item #20-098, stating these are appointments and reappointments of members to the Police and Firefighters’ Pension Boards. He stated even though the fire department is contracted out, the City still maintains the pension associated with it. He added the Human Resources Department liaisons for the Pension Boards.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to reappoint Marvin Dupree to the Police Officers’ Pension Board for a two-year term expiring on March 31, 2022.

Discussion:

Ms. Hoffman asked about the procedure to have the board members submit new applications and re-interview. Mayor Latham agreed the council had requested the new procedure due to concerns about term limits and asked if there would be a problem to table this item. Director of Human Resources Ann Meuse responded there was a Pension Board meeting scheduled for June 2, 2020. She was concerned without the reappointments, there would not be a quorum for the meeting. Ms.

Scott advised she would reach out to the board members to submit a new application and work on setting up interviews via CMT, which are convenient to Mayor Latham and the applicants.

Ms. Hoffman stated the applicant procedures were guidelines, not requirements. She was comfortable moving forward with the agenda item. Ms. Dumont expressed concern about having these reappointments at this time of year instead of at the end of the calendar year. Ms. Scott clarified most of the other City boards' terms were changed to expire on December 31st. The Pension Board was not changed due to the way their terms run.

Mr. Nichols inquired about extending these appointments until December 31st to allow time to go through the interview process. Ms. Meuse advised one of the appointments in each of these two boards on the agenda is a ministerial appointment of a fifth member selected by the other members.

Ms. Golding asked Ms. Scott if ending all the board terms at the same time would cause any difficulty. Ms. Scott responded there are still some staggered terms, but it makes the process of having qualified candidates ready to interview easier when the terms end at the same time.

Amended Motion: It was moved by Mr. Nichols to extend the terms of Mr. Dupree and Mr. Gosztyla to December 31, 2020.

The motion died due to the lack of a second.

Original Motion:

Roll Call Vote: Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed 6-0.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to reappoint John Gosztyla to the Police Officers' Pension Board for a two-year term expiring on March 31, 2020.

Point of order raised by Mr. Vogelsang that the term ends on March 31, 2022, not March 31, 2020.

Restated Moton: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to reappoint John Gosztyla to the Police Officers' Pension Board for a two-year term expiring on March 31, 2022.

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Dumont, Mayor Latham
The motion passed 6-0.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to reappoint, as a ministerial act, John Galarneau to serve as the fifth member of the Police Officers' Pension Board for a term expiring on March 31, 2022.

Roll Call Vote: Ayes – Hoffman, Nichols, Vogelsang, Dumont, Golding, Mayor Latham
The motion passed 6-0.

Item #20-098 – Appoint/Reappoint Three Members to the Firefighters’ Pension Board

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to reappoint Gaylord George Candler to the Firefighters’ Pension Board for a two-year term expiring on March 31, 2022.

Roll Call Vote: Ayes – Nichols, Vogelsang, Dumont, Golding, Hoffman, Mayor Latham
The motion passed 6-0.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to reappoint Dennis Povloski to the Firefighters’ Pension Board for a two-year term expiring on March 31, 2022.

Roll Call Vote: Ayes – Vogelsang, Dumont, Golding, Hoffman, Nichols, Mayor Latham
The motion passed 6-0.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to reappoint as a ministerial act, Deborah White, to serve as the fifth member of the Firefighters’ Pension Board for a two-year term expiring on March 31, 2022.

Roll Call Vote: Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed 6-0.

Item #20-099 – Approve/Disapprove the Rehabilitation of the North Elevated Water Tank with Tank Rehab, Corrpro Water Works and Tank Engineering

Mr. Staffopoulos explained this item is for authorization for the rehabilitation of the City’s north water tank planned in the fiscal year 20-21 CIP (Capital Improvement Plan). Public Works wants to start work on the project now so the rehabilitation can begin in early October.

Director of Public Works Dennis Barron said the project involves repainting the tank on the north end with two logos, replacing cathodic protection, and installing a cellular corral. The plan is to have the work completed in November/December. Approval of this item would allow them to accept bids, get the contracts ready, and be ready to go early.

Discussion:

Ms. Golding asked about how long the overcoat paint and corrosion repair done in July of 2018 was expected to last. Mr. Barron responded normal overcoat paint lasts significantly longer. However, the overcoat paint done in 2018 was spot repairs done to avoid possible catastrophic repairs in 2020/2021. It was a necessary temporary repair due to the saltwater environment. He also stated the cathodic protection is still original.

Mr. Vogelsang asked if the plan was to make this tower look like the tower on the south end with the logo and color. Mr. Barron responded the project includes a complete tank painting with two logo applications. The colors are yet to be determined. Ms. Hoffman said the south end tower looked good and added the Council never voted to approve the logo, so it should not be an issue to adapt the color.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve the rehabilitation of the North Elevated Water Tank with Tank Rehab, Corrpro Waterworks and Tank Engineering.

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Dumont, Mayor Latham
The motion passed 6-0.

RESOLUTIONS:

Item #20-100 – RESOLUTION NO. 2058-2020

Mayor Latham requested the City Clerk read Resolution No. 2058-2020 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION BY THE CITY OF JACKSONVILLE BEACH, AUTHORIZING THE SALE OF CITY SURPLUS PROPERTY USING GOVDEALS ONLINE AUCTION SERVICES, AS ALLOWED BY CITY CODE OF ORDINANCES SEC. 2-1.1(e), AND DELEGATE ADMINISTRATIVE RESPONSIBILITY FOR DETERMINING SURPLUS PROPERTY AND RESULTING SALES TO THE CITY MANAGER.”

Mr. Staffopoulos explained the disposal of surplus property is done regularly. This action would allow the City to continue doing so into the future.

Property and Procurement Officer Luis Flores stated this item is usually brought before Council twice per year for the sale of surplus items. Previously, the Council expressed the desire to have the process done administratively. This item is to advertise the surplus and to provide the administrative authority to the City Manager in the future. Follow up would be done with the City Attorney to create an ordinance.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Resolution No. 2058-2020 to authorize the sale of City surplus property using the online auction services of GovDeals, and to delegate to the City Manager administrative responsibility for determining surplus property designations and sales of the property.

Roll Call Vote: Ayes – Hoffman, Nichols, Vogelsang, Dumont, Golding, Mayor Latham
The motion passed 6-0.

ORDINANCES:

Item #20-101 – ORDINANCE NO. 2020-8139 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8139 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 31 – TRAFFIC AND MOTOR VEHICLES, ARTICLE I. – IN GENERAL, SECTION 31-5 – RIDING BICYCLES ON SIDEWALKS PROHIBITED, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES; CHANGING THE

TITLE; REMOVING THE PROHIBITION OF RIDING BICYCLES ON PUBLIC SIDEWALKS, AND ADDING MULTIPLE SUBSECTIONS THAT AUTHORIZE, REGULATE OR PROHIBIT USE OF CERTAIN OTHER DEVICES ON SIDEWALKS; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its first reading. I will now open the public hearing on Ordinance No. 2020-8139.”

Public Hearing:

Ms. Scott read into the record submitted comments in support of the agenda item [*on file*]:

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach – “On Feb 27, 2020, I submitted an email letter to Councilpersons Golding and Dumont, asking for a comprehensive review of ordinance 31-5 prohibiting the riding of bicycles on all sidewalks in Jax Beach. This ordinance essentially forced cycling families onto busy and dangerous streets such as around Jacksonville Drive, South Beach Parkway, Penman Road, to name but a few. Also, the ordinance was oftentimes not enforced by our police because it simply did not make good sense. We should not put our police dept in that position. Let's provide them with the proper guidelines that make good common sense, and that are also enforceable. This is a start, and I am in full support. I want to personally thank Ms. Golding and Ms. Dumont for their quick response to my email and their efforts in aligning this ordinance with overall public safety and helping us become a more bicycle and pedestrian friendly community. I also want to thank the city manager, city attorney, other council members, or staff that was a part of pushing this agenda item so quickly, especially in light of the other work they must be facing during the virus crisis. As an avid cyclist, I am deeply saddened that Florida remains the state with the highest number of bicycle accident deaths. As a community, I am sure we can be better. I do hope that we have reached out to Chief Smith and his team, and this fully aligns with their expectation. In closing, and without trying to get in the weeds on verbiage, I did not see anything in the ordinance whereby a cyclist should use bike lane or multi use trail if one exists (it can be confusing for pedestrians to see cyclists on sidewalk if bike lane is adjacent). Unfortunately, we don't have that much within the city (1st St being the major exception) but might be worth a discussion. However, I defer that to legal and police experts. Thanks again to all.”

Mr. Board advised there were no preregistered speakers for this agenda item.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8139 to make amendments to Section 31-5 of the City Code of Ordinances to change the title, to remove the prohibition of riding bicycles on sidewalks, adding multiple subsections that authorize, regulate or prohibit the use of certain other devices on sidewalks, to conform to Florida Statute regulations.

Discussion:

Ms. Golding asked for clarification regarding the concern in the comments submitted by Mr. Marsh about bike lanes. She believed it is addressed in the ordinance with reference to Section 316.2065, Florida Statutes. Mr. Ambrosio stated section 31-5(j) of the proposed ordinance is the City incorporating into local law that bicycle operators and riders are to comply with the Florida Statute bicycle regulations. He also explained why designated bike lanes are not addressed in this ordinance.

Ms. Dumont asked what the distinction is between an electrical personal assistive mobility device and the micromobility device.

Mr. Ambrosio advised there were three scrivener errors in the proposed ordinance in section 31-5(f), (l), and (m) that do not affect the substance of the ordinance. He advised he would correct the errors before the second reading of the ordinance.

Mr. Ambrosio responded to Ms. Dumont's question by saying motorized scooters and micromobility devices are motorized, engine propelled devices, which are not capable of traveling at speed greater than 20 miles per hour on level ground. An electrical personal assistive mobility device is any self-balancing, two non-tandem wheeled device designed to transport only one person with electric propulsion with an average power of 750 watts, which is one horsepower, with a maximum speed of less than 20 miles per hour.

Ms. Golding asked about a Segway. Mr. Ambrosio confirmed a Segway is included in the category of an electrical personal assistive mobility device.

Roll Call Vote: Ayes – Nichols, Vogelsang, Dumont, Golding, Hoffman, Mayor Latham
The motion passed 6-0.

Item #20-102 - ORDINANCE NO. 2020-8140 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8140 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO AMEND SECTION 6-8. – SEA TURTLE PROTECTION, OF THE CITY OF JACKSONVILLE BEACH CODE OF ORDINANCES, PROVIDING FOR AMENDMENTS AND REVISIONS TO CONFORM TO CURRENT MODEL LIGHTING ORDINANCE REGULATIONS, STANDARDS, AND GUIDELINES; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its first reading. I will now open the public hearing on Ordinance No. 2020-8140.”

Public Hearing:

Ms. Scott stated there were no public comments submitted. Mr. Board stated there were no preregistered speakers.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance No. 2020-8140 to make amendments to Section 6-8 – Sea Turtle Protection, of the City Code of Ordinances to conform to current model lighting ordinance regulations, standards and guidelines.

Mr. Staffopoulos stated this initiative is trying to provide better control and regulation of sea turtle protection. The City is still looking at lighting along the endzones east of 1st Street.

Mr. Ambrosio explained this ordinance begins with definitions. It addresses lighting standards for new construction and development, existing construction and development, and approved Florida Fish and Wildlife Conservation Commission (FWC) lighting. There is also a section related to vehicle parking, parking lots, and pool decks. The ordinance includes stronger enforcement policies and penalties for violations and other remedies.

Mr. Ambrosio advised there were scriveners' errors; he would correct. On page 6, he needed to add the term "frontal dune" in one section. On page 6, Section 6-8(e)(7), and on page 9, Section 6-8(g)(4)a., the tint should be 15% instead of the 45% shown. He stated he would provide links to several educational YouTube videos to Council and for the public.

Discussion:

Ms. Dumont noted Section 6-8(d)(1) related to driving on the beach and 6-8(d)(2) about building campfires or bonfires are already illegal. She asked how many structures would be out of compliance with this ordinance that would have to come into compliance within six months. She was thinking about the costs to homeowners and businesses. Mr. Ambrosio stated he did not have the information, but would get it and provide it to Council members. Mr. Ambrosio added pool deck, and pool lighting is allowed for safety.

Ms. Golding asked about the City's plans for public awareness if this ordinance passed, handling compliance inspections, and whether enforcement using a stop work order is sufficient or if it should be tied to the property obtaining a Certificate of Occupancy.

Mr. Ambrosio responded the Planning and Development Department believes compliance would be achieved during the application process working with the builder or contractor and, if needed, a stop work order would be sufficient to gain compliance. He shared he was aware of some experience of jurisdictions delaying or not issuing a Certification of Occupancy based on an alleged violation of a sea turtle lighting protection ordinance, which resulted in many expensive legal challenges. He explained Beaches Energy is already running a public awareness campaign called Safe, Flat, and Dark. The Planning and Development Department would inform applicants and builders when applications are submitted, and they would be provided a copy of the ordinance. It would also be distributed to contractors and current projects, and it would be posted on the other City platforms. Mr. Ambrosio advised he was working on a brand new section, Chapter 20 Parks and Recreation, that would include a beach section to address driving on the beach, fires, fire pits, and campfires. He stated he had not yet worked on an analysis of compliance.

Ms. Golding confirmed Beaches Sea Turtle Patrol reviewed the proposed ordinance and shared it with FWC.

Roll Call Vote: Ayes – Vogelsang, Dumont, Golding, Hoffman, Nichols, Mayor Latham
The motion passed 6-0.

Item #20-103 - ORDINANCE NO. 2020-8141 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8141 by title only, whereupon Ms. Scott read the following:

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, SUBMITTING TO THE ELECTORS OF JACKSONVILLE BEACH PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF JACKSONVILLE BEACH; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE.

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its first reading. I will now open the public hearing on Ordinance No. 2020-8141.”

Public Hearing:

Ms. Scott stated there were no public comments submitted. Mr. Board stated there were no preregistered speakers.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance No. 2020-8141, making amendments to the City Charter to create the requirements and procedures for removal of the City Manager and City Attorney; and the requirements and procedures for the elimination of City Departments; and standards for Council and appointees to not interfere with the performance of City employee duties, appointments or removals, and provide enforcement provisions.

Mr. Staffopoulos confirmed the deadline for the Supervisor of Elections receiving amendments for the November election is June 1, 2020. If the deadline is missed, a special election would need to be held and paid from City funds if the Council wanted to proceed.

Mr. Ambrosio explained he researched 25 local governments' codes regarding the removal or termination provisions of a city manager or city attorney. The governments were equivalent to Jacksonville Beach with a council-manager form of government and an in-house city attorney, as well as a few where the city attorney is not a charter employee, and similar types of county governments. He said there was no predominant method used of a simple majority or

supermajority vote. If the method was not found in the code, it was usually found in the contract of the city manager or city attorney. Mr. Ambrosio stated he could provide the Council with his summary.

Discussion:

Ms. Dumont suggested adding verbiage where a simple majority of the Council would vote to put forward a formal statement if they had concerns with the City Manager or City Attorney, and at the following Council meeting, after research had been done, a supermajority could then vote to remove the City Manager or City Attorney.

Mr. Nichols stated there should be an overwhelming reason to make this change. He preferred to leave it a simple majority to remove the City Manager or City Attorney. Mr. Vogelsang agreed the current Charter text is fine as a detailed reason for removal had to be presented. He preferred removing the proposed Charter amendment related to the removal of the City Manager or City Attorney. He added any issues could be added as an amendment to the contract of the City Manager or City Attorney.

Amended Motion: It was moved by Mr. Vogelsang and seconded by Mr. Nichols, to remove the first portion of Composite Exhibit 1 dealing with the "Term of appointment" and leaving it status quo for the City Manager [Section 27] and City Attorney [Section 34].

Discussion:

Ms. Hoffman stated previous councils did not use the tools available to them, pointing out as an example, annual reviews were not done. She said some steps could be taken before removing someone from these positions. Ms. Hoffman added when she interviewed all the City Manager candidates, they all expressed concern about the Council election, which creates insecurity when trying to attract and keep high-level talent for the City.

Ms. Golding said the proposed amendments would bring the issue to the community for a vote.

Ms. Dumont agreed with Ms. Hoffman more security attracts the best and the brightest talent for the long term in Jacksonville Beach.

Mr. Ambrosio stated his research did not find any referendum vote for the removal of the City Manager, City Attorney, or City Clerk, who are Charter Officers. The Charter Officers are hired by the City Council and serve at the Council's pleasure.

Ms. Dumont suggested separating this agenda item into three separate items.

Amended Motion:

Roll Call Vote: Ayes – Nichols, Vogelsang

Nays – Dumont, Golding, Hoffman, Mayor Latham

The amended motion failed 4-2.

Original Motion:

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Dumont, Mayor Latham
The motion passed 6-0.

ADJOURNMENT:

Before adjourning, Mayor Latham stated some announcements were to be made.

Mr. Ambrosio renewed his public request for a closed session, a private client/attorney session, in the lawsuit of SLG Investment Partnership, LLP vs. City of Jacksonville Beach, Case No. 2018AP00121. Pursuant to Florida Statute, he is required to make a public announcement and request to the City Council stating he desires the advice of Council concerning this litigated matter. The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to the litigation expenditures in that case. Mr. Ambrosio added he had requested a closed session before the pandemic, and he was required to renew his request. He requested the closed session to be held on June, 1, 2020, and the City would provide reasonable notice of the time, the date of the meeting, and the persons who would attend, in advance of June 1, 2020.

Mayor Latham inquired if the closed meeting would be virtual. Mr. Ambrosio responded he did not want to have a virtual closed session as a certified court reporter is required to be present. He added a public opening and closing for the closed meeting is also required.

Mr. Staffopoulos stated he would like to discuss with Council concerns he had regarding the City's 4th of July fireworks event. The City has until May 31, 2020, to sign the contract.

There being no further business, the meeting adjourned at 6:59 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: 5/20/2020

LS: sg