

**Minutes of Regular City Council Meeting  
held Monday, November 19, 2018, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**OPENING CEREMONIES**

Council Member Vogelsang provided the Invocation, followed by the salute to the flag.

**CALL TO ORDER**

Mayor Latham called the meeting to order at 7:03 P.M.

**ROLL CALL**

Mayor: William C. Latham  
Council Members: Lee Buck Keith Doherty Christine Hoffman  
Bruce Thomason Phil Vogelsang Jeanell Wilson

Also present was Interim City Manager Karen Nelson.

**APPROVAL OF MINUTES**

It was moved by Ms. Wilson, seconded by Ms. Hoffman, and passed unanimously, to adopt the following minutes:

- City Council Briefing held November 5, 2018
- Regular City Council Meeting held November 5, 2018

**ANNOUNCEMENTS**

Mr. Thomason expressed his appreciation for the support of the community.

Ms. Wilson thanked the Parks & Recreation Department for the successful Grand Opening of the Golf Course. She thanked Interim City Manager Karen Nelson, Parks & Recreation Director Jason Phitides, Facility Manager Bruce Mohler, Superintendent Trevor Hughes, and the numerous others who made it happen. Ms. Wilson also thanked Harrison Minchew, the architect, for the revisions. Ms. Wilson reminded everyone about the car show held the third Tuesday of each month in Latham Plaza. Ms. Wilson mentioned Visit Jacksonville had several beach events on their monthly calendar, including Deck the Chairs, the Winterfest at Adventure Landing, and the Beaches North Pole Express at the Historical Society.

Ms. Hoffman stated there are a lot of events coming up at the Beaches Museum.

Mayor Latham stated Deck the Chairs begins November 25, 2018.

Mayor Latham called up Police Chief Pat Dooley to speak. Chief Dooley invited the council members to an awards ceremony on November 20, 2018, at 7:00 P.M., recognizing three officers from the incident on August 8, 2018, for their heroism.

### **COURTESY OF THE FLOOR TO VISITORS**

**Justin Rawls**, 403 12<sup>th</sup> Avenue South, Jacksonville Beach, spoke about the downtown infrastructure project. Mr. Rawls expressed his concerns about the project, the effects of the project on his residence and the city's lack of notice and communication.

**Donni Welch**, 403 12<sup>th</sup> Avenue South, Jacksonville Beach, spoke about the infrastructure project in front of her home. Ms. Welch stated the planning for the project was inadequate and no consideration was given to the properties adjacent to the area. She spoke about a lack of notice, safety concerns, construction hazards, lack of parking, and constant noise. Ms. Welch stated additional information was provided in a letter she has provided for the council [on file].

**Sarah Bryan**, 403 12<sup>th</sup> Avenue South, Jacksonville Beach, spoke about the downtown infrastructure project. Ms. Bryan brought up issues with noise, a lack of privacy, odor from generators, damage to property, lack of notification, lack of access to the driveway, litter from workers, and the lack of follow up on these concerns by the city.

**Gerhard Paetau**, 725 Bonaire Circle, Jacksonville Beach, stated he attended the last Board of Adjustment meeting where an application was presented for increased lot coverage in a PUD. Mr. Paetau said the applicant was unable to state a hardship. Mr. Paetau stated he doesn't believe the Board understands what a PUD is. He said the application was approved with no hardship. Mr. Paetau thinks training needs to be done on PUDs. Mr. Paetau said blanket lot coverage approvals impact stormwater management.

**Jimmy Cissel**, 8 20<sup>th</sup> Avenue South, spoke about road work being done between 20<sup>th</sup> Avenue South and Oceanfront south. Mr. Cissel stated a Revocable Encroachment Permit was issued to the property located at 2002 Oceanfront South, and the property owner is planting three palm trees. Mr. Cissel said his property has an ocean view, and planting palm trees across the end zone of the beach access would eliminate his view and reduce the property value. He asked the Council to review the permit and find other options for ground cover. Mr. Cissel said Street Supervisor Pat Deighan advised a stop work was issued. Mr. Cissel said communication could be better between the Council, service departments and residents.

**Jim Sorrell**, 1410 Pinewood Road, Jacksonville Beach, expressed his disappointment Ordinance No. 2018-8112 regarding the Land Development Code was not approved at the November 5, 2018, City Council meeting. Mr. Sorrell believes there was consensus on a majority of the issues. Mr. Sorrell would like to see the issues reintroduced in sections to be voted on separately. He stated the issues should be prioritized and an effort should be made to upgrade the Land Development Code. He suggested a workshop to identify areas that need to be addressed.

**Suzanne Ferreira**, 405 12<sup>th</sup> Avenue South, Jacksonville Beach, spoke about the infrastructure project. Ms. Ferreira brought up issues she has with dirt blowing into her house, cars, and air conditioner, the loss of privacy, and the loss of enjoyment of her home. She stated there is no consideration for homeowners. The work starts at 8:00 A.M., pumps discharge diesel fumes, and there is dangerous construction debris. Ms. Ferreira spoke about the management of project with large, deep holes, the lack of use of her driveway, lack of access, and the road not being paved when a section is filled in.

**Ken Marsh**, 2011 Gail Avenue, Jacksonville Beach, thanked the Mayor and the departments who were part of the sand dune replenishment project. Mr. Marsh also appreciated the improvements

being made to the statues in Latham Plaza. He thanked Planning and Development Director Bill Mann for providing him an update of the issues happening in the city, and Council Member Vogelsang for generating the dialog for the protocol between the Community Redevelopment Agency and City Council. He thanked Jacksonville Beach police officers, the other speakers who spoke at this meeting, and the City Council.

**Mike Hatfield**, 6 20<sup>th</sup> Avenue South, spoke about palm trees be installed on public property. Mr. Hatfield stated he contacted Ms. Wilson and she found out what was going on. His concern is the ability for someone to get a Revocable Encroachment Permit to plant trees on public property.

## **MAYOR AND CITY COUNCIL**

### **CITY CLERK**

### **CITY MANAGER**

#### **Item #18-212 – Accept the Monthly Financial Reports for the Month of October 2018**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to accept the financial reports for the month of October 2018, as submitted by the Chief Financial Officer.

**Roll Call Vote:** Ayes – Buck, Doherty, Hoffman, Thomason, Vogelsang, Wilson, and Mayor Latham.

The motion passed unanimously.

#### **Item #18-213 – Award Bid No. 1718-25 Unleaded Gasoline and Diesel Fuel to the Lowest Qualified Bidder, Mansfield Oil Company of Gainesville, Inc., (Item 1), Petroleum Traders Corporation (Item 2) and James River Solutions (Item 3)**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Bid Number 1718-25 for the supply of Unleaded Gasoline and Diesel Fuel to Mansfield Oil Company of Gainesville, Inc. (Item 1), Petroleum Traders Corporation (Item 2) and James River Solutions (Item 3).

**Discussion:** Ms. Nelson stated in September bid invitations were sent to 22 bulk fuel suppliers, and five responded. The city purchases approximately 132,000 gallons of unleaded fuel, and 35,000 gallons of diesel fuel annually. Fuel is ordered on an as-needed basis and is usually delivered within 24 hours. If the low bidder cannot meet the city's demands, the next low bidder would be used.

Ms. Wilson had questions about the different pricing schedules, the mark-up and mark-down, and the standard that is used. Property and Procurement Officer Luis Flores addressed questions related to the standard used, which is the same used by the State of Florida, the pricing, and the fact this bid was previously awarded to one vendor and, based on the pricing structure, it is being awarded to three vendors.

Mayor Latham stated in the commercial industry, it is not unusual for transportation based companies to do the same.

**Roll call vote:** Ayes – Doherty, Hoffman, Thomason, Vogelsang, Wilson, Buck, and Mayor Latham.

The motion passed unanimously.

**Item #18-214 – Approve Officers to Purchase Weapons that Have Been Taken Out of Service and Deemed Unfit for Duty Use. Specifically, the Marlin 9 MM Rifle and the Glock 30 .45 Caliber Pistol**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the sale of the Marlin 9 MM rifles for \$75 each and the Glock, Model 30, pistols for \$100 each to officers in the department. The sale would include a contract that specifies ownership cannot be transferred, and the weapon can never be sold or pawned.

**Discussion:** Ms. Nelson stated the serviceable life of a law enforcement duty firearm is 10 years. Ms. Nelson said the Patrol Rifle program started in 1991 and the Marlin 9 MM rifles were issued. In 2007, 19 of the rifles were taken out of service. The rifles are now 27 years old. Ms. Nelson stated the Glock Model 21 pistol became the primary duty weapon in 2001, and 15 Glock Model 30 pistols were issued. In 2018, the Glock Model 26 pistol replaced the Glock Model 30.

Ms. Nelson stated past practice has been to allow officers to purchase the weapons at fair market value instead of having the weapons destroyed.

Mr. Doherty asked about the policy for rifles in storage for 11 years and if there should be a standard policy. Chief Dooley answered questions and explained the pistols were purchased for investigators and rolled over to plain-clothes personnel. Chief Dooley stated they previously traded in the old pistols for new ones because they had marketability. These pistols are so old, the cash value is non-existent.

Mr. Vogelsang questioned the wording in the affidavit indicating the officer would still use the gun in accordance with performing their duties as a law enforcement officer. Chief Dooley stated these guns would not be carried in the performance of their duties. It is not recommended they be used as an off-duty gun. Mr. Vogelsang suggested the wording in the affidavit should be changed.

Mr. Thomason spoke about the wording “never sold, pawned or ownership transferred.” He asked when the officer passes away, what happens to the weapon if it can never be transferred. Chief Dooley stated the intent was not to have anyone sell the gun or transfer ownership through pawn shops. Chief Dooley said a family heirloom is not the intent and the wording might need to be changed. City Attorney Denise May agreed the wording should be changed.

**Motion to Amend:** It was moved by Mr. Vogelsang, seconded by Mr. Doherty, to amend the motion that the firearms being given and purchased to an officer do not have to be used in accordance with their official duties as a law enforcement officer and that those weapons can be transferred through their estate should they pass away.

The **motion to amend** the original motion passed unanimously.

**Roll call vote:** Ayes – Hoffman, Thomason, Vogelsang, Wilson, Buck, Doherty, and Mayor Latham.  
The motion passed unanimously.

**Item #18-215 - ORDINANCE NO. 2018-8113**

Mayor Latham requested the City Clerk read Ordinance No. 2018-8113 by title only, whereupon Ms. Scott read the following:

**“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA ADOPTING AMENDMENTS TO THE JACKSONVILLE BEACH 2030 COMPREHENSIVE PLAN FOR THE PURPOSE OF ADOPTING THE 10-YEAR WATER SUPPLY FACILITIES WORK PLAN, IN ORDER TO COMPLY WITH CHAPTER 163.3177(6)(C)3, FLORIDA STATUTES, AMENDING THE POTABLE WATER SUB-ELEMENT, CONSERVATION ELEMENT, AND INTERGOVERNMENTAL COORDINATION ELEMENT OF THE COMPREHENSIVE PLAN, ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.”**

Mayor Latham read the following:

“This ordinance to amend the Comprehensive Plan that is before this Council for a public hearing and consideration on its second reading. Under the laws of the State of Florida, an application to amend such regulation governing a property is handled as a ‘quasi-judicial’ proceeding. A quasi-judicial proceeding means that a governing body is now functioning in a manner similar to a court with the Mayor and the Council sitting as impartial decision makers hearing testimony and questioning presenters, who are to provide substantial and competent evidence to support their side of the issue. It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This also includes receiving citizen input regarding the proposed use on the neighborhood, especially where the input is fact-based and not a simple expression of opinion.

It is the applicant’s burden to demonstrate that their application is consistent with the Land Development Code and the updated Comprehensive Plan. If the applicant is successful in showing consistency, then it is up to the local government to produce competent, substantial evidence of record that the application should be denied. The Council’s decision on this Comprehensive Plan modification is set on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria.”

**Public Hearing**

Mayor Latham opened the public hearing on Ordinance No. 2018-8113 and asked if anyone was present to address the item.

Mayor Latham closed the Public Hearing.

**Ex-Parte Communications**

Mayor Latham read the following statement for the record:

“Before requesting a motion on this ordinance, beginning with myself, each of the members is requested to indicate for the record both the names of persons and the substance of any ex parte communications regarding this application. An ex parte communication refers to any meeting or

discussion with a person or citizen who may have an interest in this decision, which occurred outside of the public hearing process.”

There were no ex-parte communications from the City Council.

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2018-8113, adopting text amendments to the Jacksonville Beach 2030 Comprehensive Plan, as related to the required Water Supply Facilities Work Plan.

**Discussion:** Mayor Latham read the following statement for the record:

“Before opening the floor for discussion or questions by the Council, please be reminded that our decision will be based on the criteria set forth in the Land Development Code, and the Council is required to approve a clear statement of specific findings of fact stating the basis upon which such facts were determined and the decision was made.”

Mayor Latham stated this is typically done at the first reading, but it was advised by Counsel to read it into the record for the second reading.

**Roll call vote:** Ayes – Thomason, Vogelsang, Wilson, Buck, Doherty, Hoffman, and Mayor Latham.

The motion passed unanimously.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:00 P.M.

Submitted by: Sheri Gosselin  
Assistant City Clerk

Approval:

  
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William C. Latham, MAYOR

Date: 12/03/18