

**Minutes of Regular City Council Meeting
held Monday, March 2, 2020, at 7:00 P.M.
in the Council Chambers, 11 North 3rd 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 7:05 P.M.

ROLL CALL:

Mayor: William C. Latham

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

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

APPROVAL OF MINUTES:

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

- Council Briefing held on February 17, 2020

Amended Motion: It was moved by Ms. Golding, seconded by Ms. Hoffman, and passed unanimously, to amend the February 17, 2020, Council Briefing minutes to include “that the Jacksonville Beach Police Department indicated they would not be using the gate at all.”

Original Motion: It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, and passed unanimously to approve the minutes of the Council Briefing held on February 17, 2020, as amended.

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

- Regular Council Meeting held on February 17, 2020

ANNOUNCEMENTS:

Ms. Golding reported 18th Avenue North would be closed from March 6, 2020, at 5:00 P.M., until March 15, 2020, at 8:00 P.M. for an FDOT drainage project. She thanked Communications Manager Jacob Board for putting lots of great information on the City’s website. Ms. Golding stated the City would soon create an email newsletter and encouraged everyone to sign up to receive it. Ms. Scott said there was also a newsletter sign-up sheet at the table by the entrance to the Council Chamber.

Mr. Ambrosio announced he was seeking Council’s advice regarding the “SLG Investment Partnership LLP and Clear Channel Outdoor Inc. vs. the City of Jacksonville Beach Case #2018AP00121” litigation. The attorney/client session discussions would be confined to settlement negotiations or strategy sessions related to the litigation expenditures. He requested the special meeting be held on April 6, 2020, at 6:20 P.M. at City Hall.

Mayor Latham recalled the Council's fight with the state legislature regarding short-term rentals: LLCs were buying homes and making them available to as many as 18 people. The state senate rules committee had temporarily postponed a pending bill, so it would probably be brought up again next year. Mayor Latham intended to work with the Florida League of Mayors and Florida League of Cities to create a compromise draft instead of a bill from lobbyists.

COURTESY OF THE FLOOR TO VISITORS:

Mayor Latham extended Courtesy of the Floor to visitors.

- Chet Stokes, 142 33rd Avenue South, Jacksonville Beach, discussed his desire for lights on the driving range at the Golf Course.

MAYOR AND CITY COUNCIL:

Item #20-039 – Proclamation – Gregory Paul's

The City Clerk read the proclamation, which was presented to Greg Rider, owner of Gregory Paul's, by Mayor Latham.

CITY MANAGER:

Item #20-040 – Approve/Disapprove a Professional Legal Services Agreement with the Law Firm Lewis, Longman & Walker, P.A., to Provide Primary and Alternate Special Magistrate Services to the City

Mr. Staffopoulos stated the firm could provide both primary and back-up special magistrate services.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve a professional legal services agreement with the law firm Lewis, Longman & Walker, P.A., to provide primary and alternate special magistrate services to the City.

Discussion:

Ms. Dumont asked how this aligned with budgeting, and Deputy City Manager Karen Nelson stated there were sufficient funds in the budget already.

Roll Call Vote: Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed 7-0.

Item #20-041 – Approve/Disapprove a Professional Legal Services Agreement with Carr Allison to Provide Legal Services to the Police Department for Risk Protection Order Cases

Mr. Staffopoulos explained Risk Protection Order cases entailed going through the court system to take away someone's firearms if so deemed. There is a new process with the responsibility being placed on local government.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve a professional legal services agreement with Carr Allison to provide legal services to the Police Department for Risk Protection Order cases.

Discussion:

Ms. Nelson explained for this item, and the next two agenda items, funds were already available in the current budget.

Roll Call Vote: Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham
The motion passed 7-0.

Item #20-042 – Approve/Disapprove a Professional Legal Services Agreement with the Law Firm Shepard, Smith, Kohlmyer & Hand, P.A., to Provide Legal Services to the City for the Charter Review Phases I and II Projects

Mr. Staffopoulos explained Phase I was for minor changes to the Charter in advance of the November 2020 election, and Phase II was a full Charter review.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve a professional legal services agreement with the Law Firm Shepard, Smith, Kohlmyer & Hand, P.A., to provide legal services to the City for the Charter Review Phases I and II projects.

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham
The motion passed 7-0.

Item #20-043 – Approve/Disapprove the CRA to Employ the Firm of Shepard, Smith, Kohlmyer & Hand, P.A., to Perform a Consolidation of the 1987 Downtown Community Redevelopment Plan, and Subsequent Amendments Thereto, on a Cost Plus Basis not to Exceed \$32,000.00

Mr. Staffopoulos stated this scope of work comprised of consolidating all the existing and outstanding CRA plans into one plan.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve the CRA to employ the firm of Shepard, Smith, Kohlmyer & Hand, P.A., to perform a consolidation of the 1987 Downtown Community Redevelopment Plan, and subsequent amendments thereto, on a cost plus basis not to exceed \$32,000.00.

The following supported the item, but did not wish to speak:

- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach

Roll Call Vote: Ayes – Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, Mayor Latham
The motion passed 7-0.

Item #20-044 – Award/Reject Bid No.1920-04 for Lawn Care and Landscape Maintenance to Chad Brock Enterprises as the Primary Contractor and Down to Earth as the Secondary Contractor

Mr. Staffopoulos stated this item is for required lawn care and landscaping maintenance for Beaches Energy Services at all the substations, located in our service area from Neptune Beach to Ponte Vedra.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to award Bid No.1920-04 for lawn care and landscape maintenance to Chad Brock Enterprises as the primary contractor and Down to Earth as the secondary contractor.

Roll Call Vote: Ayes – Nichols, Vogelsang, Doherty, Dumont, Golding, Hoffman, Mayor Latham
The motion passed 7-0.

Item #20-045 – Reject All Bids for Bid No.1920-01 for Well #16 Construction and Well #11 Abandonment Project, and Approve Advertisement of a New RFP

Mr. Staffopoulos explained the bids had come in substantially over the engineer's estimate and the budgeted cost. They would reduce the size of the well casing before soliciting new bids.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to reject all bids for bid No.1920-01 for Well #16 construction and Well #11 abandonment project, and approve advertisement of a new RFP.

Discussion:

Ms. Hoffman asked how long the road by the Well #16 project site would be torn up, and Public Works Director Dennis Barron stated the repaving should be done in the next three weeks.

Roll Call Vote: Ayes – Vogelsang, Doherty, Dumont, Golding, Hoffman, Nichols, Mayor Latham
The motion passed 7-0.

Item #20-046 – Accept/Reject the Dedication to the City and Acceptance for Maintenance of the Public Infrastructure Improvements by Regency Centers in the Pablo Plaza Shopping Center for the Proposed Whole Foods Store

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to accept the dedication to the City and acceptance for maintenance of the public infrastructure improvements by Regency Centers in the Pablo Plaza Shopping Center for the proposed Whole Foods Store.

Roll Call Vote: Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham
The motion passed 7-0.

Item #20-047 – Approve/Disapprove Change Order No. 3 for the Design of the 8 Foot Wide Multipurpose Path as Described in the Scope of Services for Task Work Order # 2: Ocean Terrace Drainage Improvements Final Design Phase –

Change Order No. 3: 8 Foot Paths at a Cost of \$28,132.00 (Including 15% Contingency)

Mr. Staffopoulos said this change was being undertaken pursuant to the community's desire for connectivity. Jacksonville Drive was a prime route for accessing the beach, the commercial district, and Sunshine Park, and the current sidewalk was insufficient for multipurpose use.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve Change Order No. 3 for the design of the 8-foot wide multipurpose path as described in the attached Scope of Services for Task Work Order # 2: Ocean Terrace Drainage Improvements Final Design Phase – Change Order No. 3: 8-foot Path at a Cost of \$28,132.00 (Including 15% Contingency).

Public Hearing:

The following spoke in favor of the item:

- Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach
- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach

Discussion:

Ms. Dumont stated she preferred the wider multipurpose path to be on the north side of Jacksonville Drive between South Beach Parkway and Grande Boulevard.

Ms. Golding asked why the sidewalk would be on different sides on different segments of the road. She had been informed by the Police Department they did not enforce the prohibition against riding bicycles on sidewalks and felt they should reconsider the prohibition.

Mr. Barron and Director of Planning and Development Bill Mann explained why the 8-foot sidewalk must be located on the south side in this area, including not enough room for an 8-foot multi-use path and ADA grade compliance issues.

Mr. Nichols asked them to work with the City of Jacksonville tree mitigation program to get free trees for the landscaping.

Mr. Vogelsang requested this be brought back to Council when there was a drawing.

Ms. Hoffman appreciated the concept but doubted the usage this section would receive.

Mr. Doherty asked if it would be lighted, and Mr. Mann said it would be a future project.

Public Works Project Engineer Kayle Moore responded to a question from Ms. Dumont regarding realignment to accommodate the sidewalk on the north side by saying they had the opportunity for realignment, but this would add to the cost. He said they would consider this and get Council's opinion.

Mr. Staffopoulos wanted to bring the sidewalk bike prohibition back to the Council to reconsider. Regarding the trees, he pointed out there were overhead power lines now, but Beaches Energy was considering this corridor for underground utilities in the future. He said when they were at the

30% conceptual design decision point for building the sidewalk on the south side, they would bring it back to Council to see if they felt the additional cost was worth relocating it to the north side.

Roll Call Vote: Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham
The motion passed 7-0.

Item #20-048 – Approve/Disapprove the Assignment and Assumption of Commercial Lease Agreement of the Golf Course Restaurant Lease from Tee to Green Partners D/B/A Sand Trap Bar and Grill to Penman Hospitality LLC, D/B/A Sneakers on the Green

Mr. Staffopoulos stated this item had been pulled from the agenda.

Item #20-049 – Approve/Disapprove the Purchase of a Ball Dispenser for the Driving Range from Range Servant America, Inc., in the Amount of \$22,572.00

Mr. Staffopoulos said this would allow people to purchase golf balls without visiting the pro shop and eliminate the manpower dedicated to bagging the balls and collecting the bags.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve the purchase of a ball dispenser for the driving range from Range Servant America, Inc., in the amount of \$22,572.00 as described in the memorandum from the Golf Course Facility Manager dated February 18, 2020.

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham
The motion passed 7-0.

Item #20-050 – Approve/Disapprove the Final Plat for Replat of Lots 5 and 6, Block 45, Atlantic Park, Supporting a Four-Unit Townhouse Residential Subdivision

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve the attached final plat for replat of lots 5 and 6, block 45, Atlantic Park, supporting a four-unit townhouse residential subdivision.

Roll Call Vote: Ayes – Hoffman, Nichols, Vogelsang, Doherty, Golding, Mayor Latham
Nays – Dumont
The motion passed 6-1.

RESOLUTIONS:

Item #20-051 – RESOLUTION NO. 2052-2020

Mayor Latham requested the City Clerk read Resolution No. 2052-2020 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, DIRECTING THE CITY MANAGER TO PLACE STANDARD HOSPITAL EMERGENCY SERVICES WAYFINDING SIGNS ON CITY

PROPERTY TO HELP THE TRAVELING GENERAL PUBLIC LOCATE THE ONLY LICENSED HOSPITAL EMERGENCY MEDICAL CARE FACILITY LOCATED IN THE CITY, AS DEFINED BY SECTION 395.002, FLORIDA STATUTES; PROVIDING FOR LEGISLATIVE FINDINGS, COUNCIL AUTHORITY, PUBLIC PURPOSES, ADMINISTRATIVE ASSIGNMENT AND DELEGATION OF RESPONSIBILITIES, CONFLICTS, SEVERABILITY, AND SETTING AN EFFECTIVE DATE.”

Public Hearing:

The following spoke in support of the item:

- Joe Mitrick, Baptist Medical Center Beaches President, 1350 13th Avenue South, Jacksonville Beach

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Resolution No. 2052-2020 directing and authorizing the City Manager to place standard hospital emergency services wayfinding signs on City property to help the public locate the only licensed hospital emergency medical care facility in the City of Jacksonville Beach, as defined by Section 395.002, Florida statutes.

Mr. Staffopoulos described areas where the signage would be located, including Beach Boulevard, J. Turner Butler/South Beach Parkway, A1A (3rd Street), and 9th Street/South Beach Parkway.

Roll Call Vote: Ayes – Nichols, Vogelsang, Doherty, Dumont, Golding, Hoffman, Mayor Latham
The motion passed 7-0.

Item #20-052 – RESOLUTION NO. 2053-2020

Mayor Latham requested the City Clerk read Resolution No. 2053-2020 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION AMENDING THE CITY OF JACKSONVILLE BEACH POSITION CLASSIFICATION AND PAY PLAN FOR MANAGERIAL, PROFESSIONAL, ADMINISTRATIVE (NONUNION) POSITIONS, EFFECTIVE MARCH 2, 2020.”

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Resolution No. 2053-2020 amending the position classification and pay plan for managerial, professional, administrative (nonunion) positions, effective March 2, 2020, to add a Regulatory Compliance Officer.

Roll Call Vote: Ayes – Vogelsang, Doherty, Dumont, Golding, Hoffman, Nichols, Mayor Latham
The motion passed 7-0.

ORDINANCES:

Item #20-053 – ORDINANCE NO. 2020-8134 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8134 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 34, ARTICLE VIII, DIVISION 2, SECTION 34-406 FENCES, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; TO ADD A MAXIMUM HEIGHT RESTRICTION FOR FENCES ON RESIDENTIAL ZONED PROPERTIES FRONTING STATE ROAD A1A; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance for the amendment of the Land Development Code is before this Council for a public hearing and consideration on its first reading. Under the laws of the State of Florida, an ordinance which changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or which otherwise changes the text of the Land Development Code, is a ‘quasi-legislative’ proceeding. A quasi-legislative proceeding means that the governing body is acting in its rule-making capacity.

It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding proposed uses within a zoning category.

The application has been reviewed by Staff and the Planning Commission for consistency with other portions of the Land Development Code and the Comprehensive Plan. The Council may hear from all interested parties in the legislative determination of an amendment to the text of the Land Development Code.

The Council’s decision on the text amendment application is based 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:

The following spoke in support of the Ordinance:

- Debbie Whittle, 3477 3rd Street South, Jacksonville Beach

Mayor Latham closed the public hearing and read the following:

“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.”

Mayor Latham, Mr. Nichols, Mr. Vogelsang, Ms. Hoffman, Mr. Doherty, Ms. Golding disclosed they had no ex-parte communication.

Ms. Dumont disclosed she spoke with Ms. Whittle.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8134 amending Chapter 34, Land Development Code Article VIII, Division 2, Section 34-406 Fences, to add a maximum height restriction for fences on residential zoned properties fronting State Road A1A.

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, Staff’s report, the recommendation of the Planning Commission and the public input at all hearings.”

Discussion:

Ms. Dumont expressed her concerns: She felt the information provided to the Planning Commission was inaccurate. She described her meetings, discussions, and information shared with Ms. Whittle and staff. Ms. Dumont wanted this thoroughly researched and re-presented to the Planning Commission.

Ms. Golding said the property appraiser’s website indicated the right-of-way was 70 feet, and the frontage was close to the house. She asked where the fence would be located, and Mr. Mann said it must be located in the front yard setback. The City could not issue a permit for a fence in a FDOT right-of-way. He described the driveway sight triangle requirements. Ms. Golding stated for the record Key West restricted front yard fences to four feet; St. Augustine Beach restricted front yard fences to 42 inches; Hallandale Beach restricted front yard fences to four feet; Ormond Beach restricted front yard fences to three feet, and Jacksonville limited front yard fences to four feet.

Roll Call Vote: Ayes – Dumont, Hoffman, Mayor Latham
Nays – Doherty, Golding, Nichols, Vogelsang
The motion failed 3-4.

Item #20-054 - ORDINANCE NO. 2020-8133 (Second Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8133 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO AMEND VARIOUS ARTICLES, DIVISIONS, AND SECTIONS OF THE CITY OF JACKSONVILLE BEACH, CODE OF ORDINANCES CHAPTER 34 LAND DEVELOPMENT CODE; TO PROVIDE CLARIFICATIONS, REVISIONS, UPDATES, AND REORGANIZATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance for the amendment of the Land Development Code is before this Council for a public hearing and consideration on its second reading. Under the laws of the State of Florida, an ordinance which changes the actual list of permitted, conditional, or prohibited uses within a

zoning category, or which otherwise changes the text of the Land Development Code, is a 'quasi-legislative' proceeding. A quasi-legislative proceeding means that the governing body is acting in its rule-making capacity.

It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding proposed uses within a zoning category.

The application has been reviewed by Staff and the Planning Commission for consistency with other portions of the Land Development Code and the Comprehensive Plan. The Council may hear from all interested parties in the legislative determination of an amendment to the text of the Land Development Code.

The Council's decision on the text amendment application is based 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:

The following spoke in opposition to the Ordinance:

- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach

Mayor Latham closed the public hearing and read the following:

"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."

Mayor Latham, Mr. Nichols, Ms. Dumont, Mr. Vogelsang, Ms. Hoffman, Mr. Doherty, and Ms. Golding disclosed they had all spoken with Mr. Paetau.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance No. 2020-8133 as amended, amending the text of Articles II, IV, V, VI, VII, VIII and IX of Chapter 34. Land Development Code of the Jacksonville Beach Code of Ordinances.

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, Staff's report, the recommendation of the Planning Commission and the public input at all hearings."

Discussion:

Mr. Nichols asked if the City had any additional liability if they did not make this change regarding the air conditioning units, and Mr. Ambrosio responded they would not.

Ms. Dumont felt the setback requirement for air conditioning units would be extremely cost-prohibitive to homeowners.

Amended Motion: It was moved by Ms. Dumont and seconded by Mr. Doherty, to strike Section 34-392(1)a. from the proposed amended ordinance.

Mr. Vogelsang wanted to change the distance requirement to five feet, in line with the setbacks.

Mayor Latham said they could consider grandfathering existing properties.

Mr. Mann reported there was an allowance for air conditioning compressors located in side yards, but they could only extend "X number of inches" into the setback. The smallest side yard setback is 5 feet.

Amended Motion: It was moved by Ms. Dumont and seconded by Mr. Doherty, to grandfather in all current properties. New construction would require 7.5 feet.

Mr. Vogelsang said this would prevent one from shifting a house on the lot.

Mr. Doherty recommended keeping it as is at 5 feet.

Ms. Hoffman, as a point of order, noted issues with the two proposed amendments. She said she would support the first amendment.

Ms. Golding stated she would support the first amendment and asked Mr. Staffopoulos to share what he discussed with Police Chief Gene Paul Smith and Fire Marshal Steve Sciotto.

Mr. Nichols did not feel this was a critical issue for first responders.

Mr. Staffopoulos stated Mr. Sciotto indicated the side yard air conditioning unit being a serious firefighting issue was rare. Chief Smith indicated the Police Department would use K-9 officers to chase suspects on properties. Mr. Staffopoulos had concluded the public safety issue was minimal and suggested pulling the new distance requirement from the ordinance.

Ms. Dumont withdrew the second amended motion she had proposed.

Amended Motion:

Roll Call Vote: Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham
The motion passed 7-0.

Original Motion:

Roll Call Vote: Ayes – Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham
The motion passed 7-0, as amended.

Item 20-055 ORDINANCE NO. 2020-8135 (First Reading)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8135 by title only, whereupon Ms. Scott read the following:

**“AN ORDINANCE AMENDING CHAPTER 34, ARTICLE VII, DIVISION 2,
SECTION 34-346 INDUSTRIAL DISTRICT: I-1, OF THE CODE OF**

ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; TO ADD MOBILE FOOD VENDORS TO PERMITTED USES IN INDUSTRIAL DISTRICT: I-1 ZONING DISTRICTS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance for the amendment of the Land Development Code is before this Council for a public hearing and consideration on its second reading. Under the laws of the State of Florida, an ordinance which changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or which otherwise changes the text of the Land Development Code, is a ‘quasi-legislative’ proceeding. A quasi-legislative proceeding means that the governing body is acting in its rule-making capacity.

It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding proposed uses within a zoning category.

The application has been reviewed by Staff and the Planning Commission for consistency with other portions of the Land Development Code and the Comprehensive Plan. The Council may hear from all interested parties in the legislative determination of an amendment to the text of the Land Development Code.

The Council’s decision on the text amendment application is based 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:

No one came forward.

Mayor Latham closed the public hearing and read the following:

“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.”

Mayor Latham, Ms. Dumont, Mr. Vogelsang, Ms. Hoffman, Mr. Doherty, and Ms. Golding disclosed they had no ex-parte communication.

Mr. Nichols disclosed he spoke with a food truck owner.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8135 amending Chapter 34 of the Land Development Code, Article VII, Division 2, Section 34-346 to add Mobile Food Vendors to permitted uses in Industrial District: I-1 zoning districts.

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, Staff’s report, the recommendation of the Planning Commission and the public input at all hearings.”

Discussion:

Mr. Staffopoulos stated this would allow food trucks to be on industrial properties.

Roll Call Vote: Ayes – Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, Mayor Latham
The motion passed 7-0.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:47 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: 4/7/20