

**Minutes of Regular City Council Meeting  
held Monday, June 1, 2020, at 6:00 P.M.  
via Video Conference  
Jacksonville Beach, Florida**



**STATEMENT OF THE MAYOR:**

Mayor Charlie Latham made the following statement:

“Governor Ron DeSantis’ Executive Order No. 20-123, extended Executive Order No. 20-69, which authorizes local government bodies to continue to conduct meetings without an in-person quorum at any specific location, and they can continue to hold meetings using communications media technology (CMT).

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 using CMT. The Council, staff and the public are not physically present in City Hall tonight.

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

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

**OPENING CEREMONIES:**

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

**CALL TO ORDER:**

Mayor Latham called the meeting to order at 6:05 P.M.

Mayor Latham invited City Attorney Chris Ambrosio to state the CMT procedures and adaptations being utilized for this meeting.

City Attorney Chris 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*] and went over the options.

**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, 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 May 18, 2020

**ANNOUNCEMENTS:**

Ms. Golding stated Beaches Watch would have a virtual meeting on June 3, 2020, for the 2020 Legislative Update that had been postponed in April. She said Mayor Latham would be doing the

legislative update. Also, Atlantic Beach Mayor Ellen Glasser and Neptune Beach Mayor Elaine Brown would provide COVID-19 updates for their cities.

**COURTESY OF THE FLOOR TO VISITORS:**

Mayor Latham extended Courtesy of the Floor to visitors. Whereby, Communications Manager Jacob Board advised there was one preregistered speaker:

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach, spoke about concerns related to short term vacation rentals in his neighborhood. He requested the Council to follow up on Ordinance No. 2019-8118, which was adopted in 2019, to find out the status of the applications for certificates that had been received and how many short term rentals had not submitted an application.

**MAYOR AND CITY COUNCIL:** *No items.*

**CITY MANAGER:**

**Item #20-114 – Approve/Disapprove the Selection of Florida Natural Gas as the Natural Gas Supplier to Beaches Energy Services**

Mr. Staffopoulos stated this item is to select Florida Natural Gas as the new natural gas supplier. Director of Beaches Energy Services Allen Putnam explained Beaches Energy had used TECO People's Gas for over ten years. This year all three contracts with TECO were reviewed. TECO was no longer the lowest-cost provider. A consulting agreement with TECO was made to bid out the cost. Seven responses were received to the Request for Proposals resulting in a savings of approximately 17% or \$146,000. TECO would continue to manage the system, do day to day maintenance, compliance, and provide supply from the gate station on Beach Boulevard.

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve an agreement with Florida Natural Gas to supply natural gas to Beaches Energy Services for a one-year term beginning June 1, 2020.

**Discussion:**

Mr. Putnam confirmed this agreement is for buying natural gas on the market.

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

**Item #20-115 – Approve/Disapprove the Final Plat for the Rio Pointe Subdivision, a Replat of Part of Castro Y. Ferrer Grant, Section 38, Township 2 South, Range 2 East (2115 12<sup>th</sup> Avenue North)**

Mr. Staffopoulos explained this item is to approve the Rio Pointe Final Plat. The property was previously used as a daycare center and is being replatted into ten single-family lots.

Senior Planner Heather Ireland responded to questions from Mr. Doherty stating the property is zoned single-family, so townhomes could not be built without rezoning the property.

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve the Final Plat for the Rio Pointe subdivision, a Replat of a part of the Castro y Ferrer Grant, Section 38, Township 2 South, Range 2 East (2115 12<sup>th</sup> Avenue North).

**Discussion:**

Ms. Hoffman noted a typographical error that is important to the history of the community. She advised the original land grant for that area is not Castro "Y." Ferrer Grant, but Castro "y" Ferrer Grant. As it references the word "and" in Spanish, it should be a lower case "y." Mayor Latham added as the reference is changed to a small "y," the period should also be removed.

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

Mayor Latham noted there would be no voting on Item 20-116 and Item 20-117.

**Item #20-116 – Develop a Consensus on Whether or Not to Hold the July 4<sup>th</sup> Fireworks Display in Jacksonville Beach**

Mr. Staffopoulos explained this is not a voting item, rather an item to develop a consensus of the Council as to whether or not to hold the 4<sup>th</sup> of July fireworks display given the City is still under a declared state of emergency.

Mr. Staffopoulos went over staff concerns about crowd size, police control, and the ability to maintain social distancing. Guidelines are still in place from the Centers for Disease Control and Prevention (CDC) and the Governor related to crowd size and the separation that should be maintained for social distancing.

The jurisdictions that had canceled their fireworks displays were the cities of Orlando, Flagler Beach, Daytona Beach, and Gainesville, as well as Flagler County and Naval Station Mayport. Fernandina Beach plans to have fireworks only, with no vendors. St. Augustine would decide at their City Commission meeting on June 8, 2020. Jacksonville was waiting on St. Augustine and Jacksonville Beach's decision. Orange Park and Palatka had postponed their fireworks until Labor Day, and St. Marys, Georgia, postponed their fireworks until the Shrimp Festival in October.

Mr. Staffopoulos stated staff recommends not proceeding with the event and consider having the fireworks at another time, perhaps Labor Day. It is possible to reschedule the pyrotechnic company for Labor Day weekend preliminarily. Funding from Jacksonville would need to be verified for a different date other than the 4<sup>th</sup> of July.

Mr. Staffopoulos requested each Council member to give their thoughts on the fireworks before he and Mayor Latham make the final decision based on the feedback from the Council and the city of Jacksonville.

**Discussion:**

Extensive discussion ensued. Mr. Doherty favored postponement and suggested having the fireworks on New Year's Eve. He stated the main concern is social distancing. Ms. Hoffman stated high tide on July 4<sup>th</sup> would be at 8:30 P.M., making social distancing more difficult. She

liked the idea of postponing to Labor Day or New Year's Eve. She also suggested possibly moving the location of the fireworks from the beach to the City's golf course. Mr. Nichols strongly favored having the fireworks on the 4<sup>th</sup> of July. He believed the community wants to come out to this event, and the City can cancel it up to the last minute. Ms. Dumont favored delaying the fireworks until Labor Day or New Year's Eve. She noted New Year's Eve would fall under a new fiscal year, so the City would need to find out if Jacksonville would approve paying for two fireworks displays at the beach in one year. Ms. Golding favored postponement until Labor Day or New Year's Eve. Mr. Vogelsang favored postponement until Labor Day or New Year's Eve. He stated New Year's Eve would be the best option. Mayor Latham agreed with the majority who favored postponement. He added in addition to concerns previously mentioned, the country is in a state of civil unrest, and the welfare, health, and safety of the City's visitors are important.

Mr. Staffopoulos stated the agreement for pyrotechnics and fiscal responsibility is executed by the City of Jacksonville Beach. If the City goes forward with the fireworks and then backs out at a later time, Jacksonville Beach is responsible for half of the deposit amount (approximately \$11,000-\$12,000).

Mayor Latham proposed postponing the fireworks until Labor Day or New Year's Eve. The majority of the Council members favored New Year's Eve. Mr. Staffopoulos stated a request would have to be made to the City of Jacksonville to roll over the \$25,000 into the next fiscal year to have two fireworks displays in one fiscal year.

Police Chief Genepaul Smith stated he had not yet received a commitment from the city of Jacksonville to provide support. He explained all of his staff (approximately 70 people) works crowd control at the 4<sup>th</sup> of July fireworks. He stated the Jacksonville Sheriff's Office usually provides 70-80 people to assist with traffic control.

Mr. Nichols reiterated he believed the City should wait to find out what the city of Jacksonville would do before making a decision. Mayor Latham closed the discussion noting there was a majority consensus to postpone the fireworks.

#### **Item #20-117 – Develop a Consensus on Dates and Formats for Future Council Meetings and Briefings**

Mr. Staffopoulos explained the City Council had been operating in a modified format for a couple of months with Council meetings and briefings. He asked the Council what should be the transition back to meeting in person now that Florida is in Phase I of re-opening. He proposed the possibility of moving to a hybrid in-person Council meeting on June 15, 2020. He also suggested returning to an in-person, potentially hybrid with social distancing, Council Briefing and Regular Council Meeting on July 20, 2020, which would be open to the public.

Mr. Staffopoulos shared information provided to him by Mr. Vogelsang on the recommendations from the Re-Opening Florida Task Force that in-person public meetings not occur until Phase II.

#### **Discussion:**

Mr. Vogelsang shared the language from the Re-Opening Florida Task Force recommendations, where it states Phase 2 opening begins with a successful Phase 1, which would occur when there

is no evidence of a rebound or resurgence of COVID. He didn't know why the City would go against the recommendations of the recommendations from the experts on the Task Force. Mr. Vogelsang recommended the Council stick to the Task Force recommendations of resuming in-person meetings when Phase 2 begins.

Mr. Doherty said the City should lead by example. He supported continuing with virtual Council meetings until Phase 2 or July 20, 2020. Mr. Nichols agreed with Mr. Doherty.

Ms. Hoffman asked Mr. Staffopoulos about the backlog of City business due to not having the various board meetings in person. Mr. Staffopoulos responded there is some backlog for the Planning Commission and Special Magistrate. He stated both of those appointed boards were looking at having meetings in June to clear out the backlog. Ms. Hoffman stated the previous position was all or nothing with regards to the meetings. Mr. Staffopoulos responded all of the boards are willing to move forward. Ms. Hoffman stated if the board could move forward with clearing the backlog, she would be in favor of the Council waiting until Phase 2 for in-person meetings.

Ms. Golding stated she had been contacted by people concerned about the backlog, and she would support Council waiting until Phase 2. Ms. Dumont supported the Council waiting until Phase 2. Mayor Latham stated, based on the information provided by Mr. Vogelsang, he agreed the City should stand with the State and be consistent. He would be opposed to having any in-person meetings until Phase 2, with the understanding the boards are willing to meet to move on the backlog of business.

Mr. Staffopoulos stated the calendar of the dates for June would remain as proposed with the exception the June 15, 2020, Regular City Council meeting would be held virtually. The plan would be for the July 20, 2020, Council Briefing and Regular City Council meeting to be held in person, pending the state moving into Phase 2.

**RESOLUTIONS:** *None*

**ORDINANCES:**

**Item #20-118 - ORDINANCE NO. 2020-8142 (Second Reading) (Public Hearing)**

Mayor Latham requested the City Clerk read Ordinance No. 2020-8142 by title only, whereupon Ms. Scott read the following:

**AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 30, ARTICLE III, SECTION 30-34(a) (ADDITIONAL HOMESTEAD EXEMPTIONS AUTHORIZED) OF THE CITY CODE OF ORDINANCES, TO INCREASE THE AMOUNT OF ADDITIONAL HOMESTEAD EXEMPTION FOR LOW-INCOME PERSONS AGE 65 YEARS AND OVER FROM \$25,000.00 TO \$50,000.00 CONSISTENT WITH STATE LAW; DIRECTING THE CLERK TO PROVIDE A COPY OF THIS ORDINANCE UPON COUNCIL APPROVAL TO THE DUVAL COUNTY PROPERTY APPRAISER; PROVIDING FOR**

**LEGISLATIVE FINDINGS, REPEAL OF CONFLICTS, SEVERABILITY,  
AND AN EFFECTIVE DATE.**

Mayor Latham read the following:

“This ordinance is before this Council for a public hearing and consideration on its Second reading. I will now open the public hearing on Ordinance No. 2020-8142.”

**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. 2020-8142 to amend City Code of Ordinances Sec. 30-34(a) to increase the low-income senior additional homestead exemption from \$25,000.00 to \$50,000.00.

There was no discussion by Council.

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

**Item #20-119 – ORDINANCE NO. 2020-8144 (First Reading)**

Mayor Latham requested the City Clerk read Ordinance No. 2020-8144 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 COASTAL MANAGEMENT ELEMENT, TO ADOPT NEW POLICIES AND OBJECTIVES TO MEET THE PERIL OF FLOOD REQUIREMENTS OF SECTION 163.3178(2)(f), FLORIDA STATUTES, PROVIDING DIRECTIONS TO THE PLANNING AND DEVELOPMENT DEPARTMENT; ESTABLISHING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.”**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8144, adopting text amendments to the Jacksonville Beach 2030 Comprehensive Plan, related to the “Peril of Flood” requirements of Florida Statutes.

Ms. Ireland provided an overview of this ordinance explaining the City received a grant from the Florida Department of Environmental Protection in September of 2019. The purpose of the grant was to analyze the City’s vulnerability to sea-level rise, spring tides, and storm surge. The proposed amendments are to meet the “Peril of Flood” requirements of Florida Statutes, which is required for coastal communities. Two workshops were held on December 19, 2019, and February 24, 2020. The City Council approved Resolution 2057-2020 on April 6, 2020, to transmit the proposed amendments to the State for review. The comments from the State agencies have been

received, and there were no objections. The last step is to adopt the amendments into the Comprehensive Plan.

Ms. Ireland went over each of the proposed amendments.

**Discussion:**

Ms. Hoffman asked how these policies would have affected the resident from Lake Sanctuary who had come to the City Council seeking assistance applying for a FEMA (Federal Emergency Management Agency) money. Ms. Ireland responded she didn't know if it would have affected that property. She added one of the proposed policies encourages property acquisition where feasible and where finances are available to remove it from the flood zone. Ms. Hoffman asked what an incentive might be as referenced in proposed Policy CM3.4.3. The City's consultant, Kenneth Metcalf, with Stearns, Weaver, Miller, responded the City would have the discretion to determine the types of incentives. The incentives could be in the form of flexible regulations or a grant option utilizing money from state or federal agencies.

**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 7:15 P.M.

Submitted by: Laurie Scott  
City Clerk

Approval:



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William C. Latham, MAYOR

Date: 6/16/20

LS: sg