

**Minutes of Regular City Council Meeting
held Monday, September 21, 2020, at 7:00 P.M.
via Video Conference
Jacksonville Beach, Florida**



STATEMENT OF THE MAYOR:

Mayor Charlie Latham read the following statement:

“Governor DeSantis’ Executive Order No. 20-193, extended the Governor’s authorization for local government bodies to continue to conduct meetings without an in-person quorum at any specific location and to hold meetings using communications media technology (CMT).

On April 6, 2020, the City of Jacksonville Beach Council 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.

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 7:00 P.M.

Mayor Latham invited City Attorney Chris Ambrosio to state the CMT procedures and adaptations 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*] 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, Director of Public Works Dennis Barron, Senior Planner Heather Ireland, 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:

- Special Council Meeting held on September 3, 2020 (Tentative Budget)
- Council Briefing held on September 8, 2020
- Regular Council Meeting held on September 8, 2020
- Special Council Meeting held on September 14, 2020 (Budget Adoption)
- Special Council Briefing held on September 14, 2020

ANNOUNCEMENTS:

Council Member Golding congratulated CPA (Citizen Police Academy) Class 44, of which she was a member, on graduating after five months, due to COVID-19. She thanked Chief Gene Paul Smith, Sergeant Tonya Tator, and all the officers involved in conducting the classes.

Ms. Golding also mentioned Beaches Watch would hold a virtual candidate forum for the Jacksonville Beach candidates on October 1, 2020.

Ms. Golding stated she attended the Florida League of Cities Municipal Administration Policy Committee meeting and wanted to mention there is a working group for vacation rentals. She thanked City Manager Mike Staffopoulos and Mayor Latham for participating in the group.

Lastly, Council Member Golding shared the North Florida Land Trust had previously discussed marshland to the west of Plantation Oaks that the White family was considering donating to the City of Jacksonville Beach. However, the White family decided not to donate the land to the City, but rather sell the property to an adjacent property owner who has a dock that extends into the marsh property.

Council Member Dumont encouraged everyone to fill out the 2020 Census, register to vote, and then to vote.

COURTESY OF THE FLOOR TO VISITORS:

Mayor Latham extended Courtesy of the Floor to visitors. No one had registered to speak and no public comments were submitted.

CITY CLERK: *No items*

MAYOR AND CITY COUNCIL: *No Items*

CITY MANAGER:

Item #20-185 – Accept/Reject the Financial Reports for the Month of August 2020

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to accept the financial reports for the month of August 2020.

Discussion:

There was no Council discussion.

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

Item #20-186 – Approve/Disapprove the \$113,742.50 Purchase and Installation of UVC Lights in the Air Handling Units at City Facilities from Trane Technologies Utilizing GSA Federal Supply Schedule Contract #47QSWA20D002A

Mr. Staffopoulos explained this item was to install UVC lights within the City's air handling systems for all of the buildings with primary occupancy for employees or the public. Information

indicated ultraviolet radiation helped prevent viruses from reproducing, including COVID-19 and influenza viruses. Mr. Staffopoulos stated the City received a rebate from its health insurance premiums and those funds would be used towards health improvements for employees.

Ms. Golding inquired about the cost. Mr. Staffopoulos said the installation would cost approximately \$113,000, and the UV bulbs, which are changed out once per year, are between \$50-\$100. The electric cost is relatively low.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to approve the \$113,742.50 purchase and installation of UVC lights in air handling units at City facilities from Trane Technologies utilizing GSA Federal Supply Schedule contract #47QSWA20D002A.

Discussion:

There was no Council discussion.

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

Item #20-187 – Award/Reject RFP No. 07-1920, Space Needs Assessment, to Ebert Norman Brady Architects

Mr. Staffopoulos explained the item was seeking to hire an architect to assist the City with creating a space needs analysis in multiple buildings. The current buildings were designed and built over 20 years ago and the functionality has changed over time. Three buildings need to be explored to see if there are ways to maximize space within the existing footprint or potentially the need to make physical modifications.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to award RFQ No. 07-1920, Space Needs Assessment, to Ebert Norman Brady Architects, as described in the memorandum from the Property and Procurement Officer dated September 10, 2020.

Discussion:

There was no Council discussion.

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

Item #20-188 – Award/Reject RFP No. 03-1920, Standby Contracts for Disaster Debris Management, Recovery and Response Services to the Two Highest Ranked Respondents, Ceres Environmental Services, Inc., and Shawnee Mission Tree Services, Inc. DBA Arbor Masters Tree Service, for a Period of Five (5) Years

Mr. Staffopoulos explained this item was to award standby contracts for disaster debris management recovery and response services to two different firms. He said whenever there is a natural disaster, FEMA (Federal Emergency Management Agency) requires the City to use a

certified contractor to document all of the removal activities that occur in order to be eligible for reimbursement.

Director of Public Works Dennis Barron explained the primary contract is with Ceres Environmental Services. The City decided to go with two firms to have options.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to award RFP No. 03-1920, Standby Contracts for Disaster Debris Management, Recovery and Response Services, to the two highest ranked respondents, Ceres Environmental Services, Inc., and Shawnee Mission Tree Service, Inc. dba Arbor Masters Tree Service, for a period of five (5) years, as described in the memorandum from the Public Works Project Engineer dated September 8, 2020.

Discussion:

There was no Council discussion.

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

RESOLUTIONS: *No items*

ORDINANCES:

Item #20-189 – ORDINANCE NO. 2020-8145 (Second Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8145 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE TO REVISE CHAPTERS 12 AND 34 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; TO ADAPT THE CITY’S CODE TO NEW FLORIDA STATUTE SECTION 509.102 CONCERNING MOBILE FOOD DISPENSING VEHICLES; PROVIDING FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTING ORDINANCES, 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 a 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 the 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 a 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.

I will now open the public hearing on Ordinance No. 2020-8145.

Please recognize that this Ordinance predominately amends Chapter 12 – Food and Food Products, of the City Code of Ordinances. In which case, the Land Development Code is not being changed. And a quasi-legislative proceeding is not required. But the Ordinance also makes a few minor changes to Chapter 34 – Land Development Code. So this quasi-legislative proceeding is being utilized for those portions of the Ordinance limited to and regarding Chapter 34.”

Public Hearing:

Mr. Ambrosio advised he spoke individually with some Council members and he or Senior Planner Heather Ireland could answer their questions if they wished to raise them.

Council Member Hoffman wanted to confirm for the benefit of the public this ordinance didn't change the zoning districts where food trucks are currently allowed. Mr. Ambrosio responded the zoning districts for food trucks remain the same.

Ms. Dumont said she had inquired about an HOA (Home Owners' Association) that regularly has a food truck come out, but as the code is currently written, it is not allowed. She explained Mr. Ambrosio advised her the City was looking at changes before the end of the year that may include allowing HOAs to ask a food truck to operate in it's HOA versus an individual resident of the HOA. Mr. Ambrosio clarified substantive changes to the ordinance would bring it back to the starting point, which would be to go to the Planning Commission and go through a first and second reading before City Council. He recommended the Council approve the ordinance as drafted because the City is trying to comply with the way the new Florida Statute reads.

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.”

Ex Parte:

Mayor Latham and Council Members Nichols, Doherty, Vogelsang, and Golding disclosed they had no ex-parte communications regarding this item.

Ms. Hoffman stated she spoke with Victor Melone, who is a resident of Rip Tide*.

Ms. Dumont stated she spoke with Gary Paetau and Barbara McCue through email, both Ocean Cay residents.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8145 to revise and amend the City's Code of Ordinances Chapters 12 and 34 to conform and comply with Florida Statute Section 509.102.

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

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

Item #20-190 – ORDINANCE NO. 2020-8149 (Second Reading)(Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8149 by title only, whereupon Ms. Scott read the following:

"AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT: PUD ORDINANCE NUMBER 99-7765, ESTABLISHING A PLANNED UNIT DEVELOPMENT: PUD ZONING DISTRICT, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND ZONING ATLAS FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY."

Mayor Latham read the following:

"This ordinance to amend the PUD zoning regulations of a property 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 the zoning regulations 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 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 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 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 a zoning 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.

In addition, the Council has received a copy of the application and the staff and Planning Commission reports on this PUD zoning amendment request."

Public Hearing:

No one had registered to speak on this item, and no public comments were submitted.

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.”

Ex Parte:

Mayor Latham and Council Members Dumont, Doherty, Vogelsang, and Golding disclosed they had no ex-parte communications regarding this item.

Ms. Hoffman stated she had a call from Catie Southall, a resident of Rip Tide*, who had some questions and concerns about the project.

Mr. Nichols stated he received an email from Carrie Lantzy, 3148 Isabella Boulevard, asking for more information and he forwarded her to Director of Planning and Development Bill Mann and told Ms. Lantzy what his understanding of this ordinance was.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8149, amending PUD Rezoning Ordinance No. 99-7765 governing the property located at 2520-2902 Isabella Boulevard, by providing a new project narrative and preliminary development plan. (Isabella Office Center PUD)

Discussion: Mayor Latham read the following statement for the records:

“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.”

Ms. Hoffman stated she texted with Ms. Ireland about concerns from the Rip Tide neighborhood where they saw the language, “Two-family dwellings, Multiple family dwellings, Townhouse dwellings,” and envisioned condos going up. Ms. Ireland explained part of the approved PUD is not only the list of permitted uses, but also the site plan. Since that property is almost built out, if the property owner or subsequent property owner wanted to replace the office buildings with townhouses or two-family dwellings for example, it would require them to amend the approved site plan, which would bring them back before Council for public input. So it is possible, but it would have to go back through the whole process.

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

Item #20-191 – ORDINANCE NO. 2020-8150 (Second Reading)(Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8150 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING THE EMPLOYEE BENEFITS AND LEAVE POLICY PROVIDING FOR AN ADDITIONAL PAID HOLIDAY (PRESIDENT’S DAY); PROVIDING FOR LEGISLATIVE FINDINGS, DIRECTION TO AMEND CITY POLICY, REPEAL OF CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance is before the Council for a public hearing and consideration on its second reading.”

Public Hearing:

No one had registered to speak on this item, and no public comments were submitted.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8150, amending the City Employee Benefits and Leave Policy to provide President’s Day as an official paid holiday for employees and staff.

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

Item #20-192 – ORDINANCE NO. 2020-8151 (Second Reading)(Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8151 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 8, “CEMETERIES,” OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, CODE OF ORDINANCES BY REVISING THE TITLE AND AMENDING SECTION 8-2. “SAME – CITY CLERK TO MAINTAIN RECORD OF GRANTEES, ETC.” AND AMENDING SECTION 8-3. “DISINTERMENTS; MOLESTING GRAVES.” BY CHANGING THE REFERENCE FROM “CITY CLERK” TO “PARKS AND RECREATION DEPARTMENT;” PROVIDING FOR ADOPTION OF RECITALS, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, CODEFICTION, AND AN EFFECTIVE DATE.”

Mayor Latham read the following:

“This ordinance is before the Council for a public hearing and consideration on its second reading.”

Public Hearing:

No one had registered to speak on this item, and no public comments were submitted.

Mayor Latham closed the public hearing.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang to adopt Ordinance No. 2020-8151, amending Chapter 8, Section 8-2, and Section 8-3 of the City Code of

Ordinances to replace the City Clerk as cemetery records custodian, with the Parks and Recreation Department.

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

ADJOURNMENT:

Prior to adjournment, Mr. Ambrosio announced the first workers' compensation seminar for department directors and employees.

Mr. Staffopoulos announced as a reminder to the Mayor, the Council and the public, in-person meetings are still planned to start back in October unless the governor extends the CMT order. The October 5, 2020, regular City Council meeting is scheduled to be held in the Council Chamber at 6:00 P.M., with the Council Briefings alternating on the second and fourth Monday.

There being no further business, the meeting adjourned at 7:41 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date:

10/7/20

LS: sg

*Correction – During the reporting of ex parte communications, it was stated that Mr. Melone and Ms. Southall reside in Rip Tide. They reside in Ocean Cay.