

**Minutes of Regular City Council Meeting
held Monday, January 21, 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.

Mayor Latham called for a moment of silence in memory of Ann Thomas, wife of former Beaches Energy Services employee Sam Thomas, who had passed away recently.

CALL TO ORDER:

Mayor Latham called the meeting to order at 7:01 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. 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:

- Council Briefing held on December 16, 2019
- Regular Council Meeting held on December 16, 2019

ANNOUNCEMENTS:

Ms. Golding visited the Neptune Beach Elementary School class of Mrs. Johnson, who participates in FIRST LEGO League, where students use Legos to learn problem solving and teamwork. They had worked on solving the problem of the pier repair and recommended using decking with holes in it to allow water to drain off. The students would be competing on January 25, 2020.

Ms. Hoffman said there had been Martin Luther King (MLK) events over the past weekend: a Breakfast at St. Paul's By-the-Sea Episcopal Church put together by several area churches and a service at Saint Andrews AME Church.

Mr. Nichols visited the Jacksonville Beach Golf Course and saw the 157 trees they had received through the City of Jacksonville tree mitigation program, a \$300,000 value. He said staff had done a great job selecting and planting the trees.

Ms. Dumont said the MLK Breakfast at St. Andrews had been excellent. She reminded residents the City was holding visioning sessions and advised them to look at the City's website for dates. She stated Deck the Chairs had been a great event, and she enjoyed the holiday celebration and lunch with city staff.

Mayor Latham said the churches had done a great job with the MLK events and said Bishop Percy Golden was the driving force behind the prayer vigil and the "Beloved Community" concept. Mayor Latham had also participated in honoring the National Elementary School Honor Society

recipients at Jacksonville Beach Elementary School. He said Deck the Chairs and the Tuba Christmas music concert had been great.

COURTESY OF THE FLOOR TO VISITORS:

Mayor Latham extended Courtesy of the Floor to Visitors.

- Ken Marsh, 2011 Gail Avenue, spoke about the city's great amenities but said the downtown needed work. He claimed the spike in all measures of the downtown safety statistics were not caused by residents, but by people coming in to visit the downtown. He suggested the Vision Plan be executed as soon as possible and include a strategy for reducing CAPE officers.

MAYOR AND CITY COUNCIL:

CITY CLERK:

Item #20-003 - Appointment of One Regular Member to the Board of Adjustment

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to reappoint Jeff Truhlar to the Board of Adjustment.

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

CITY MANAGER:

Item #20-004 - Appointment of Fifth Member to the General Employees' Pension Board

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to reappoint Brandon Maresma to serve as a trustee as the fifth member on the General Employees' Retirement System Board, new two-year term, to expire December 31, 2021.

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

Item #20-005 - Accept the Monthly Financial Reports for the Month of December 2019

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to accept the monthly financial reports for the month of December 2019.

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

Item #20-006 - Approve Adding a Second Full-Time Accounting Technician in the Finance Department

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the addition of one full-time Accounting Technician in the Finance Department at an estimated cost of \$67,464.

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

Item #20-007 - Approve the Dedication to the City and Acceptance for Maintenance of the Public Infrastructure Improvements (Potable Water and Sewer Improvements) Constructed by AB Beach Blvd., LLC. (950 10th Street S.)

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the dedication to the City and acceptance for maintenance of the public infrastructure improvements for 950 10th Street South Phase 2 as described in the memorandum from the Public Works City Engineer dated January 13, 2020.

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

Item #20-008 - Award City Bid No. 1920-02, Sanitary Sewer LS-29 Rehabilitation to PBM Constructors, Inc., for Construction Services, and Authorize Construction Administration Services with the Project Design Firm, Four Waters Engineering, Inc.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to award City Bid No. 1920-02, Sanitary Sewer LS-29 Rehabilitation to PBM Constructors, Inc., for construction services, and authorize construction administration services with the project design firm, Four Waters Engineering, Inc. as described in the memorandum from the Public Works Engineer dated January 13, 2020.

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

Item #20-009 - Public Hearing and City Council Approval of Projects for Inclusion in the FY 2020-2021 Community Development Block Grant (CDBG) Application to the City of Jacksonville

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the Mayor and City Manager to submit a Community Development Block Grant application of fiscal year 2020-2021 as described in the memorandum from the Director of Parks and Recreation dated January 10, 2020.

Mr. Staffopoulos explained the grant is through the City of Jacksonville, and Jacksonville Beach is a sub-recipient. The funds are used to staff and run the Carver Center.

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

RESOLUTIONS:

Item #20-010 – RESOLUTION NO. 2048-2020

Mayor Latham requested the City Clerk read Resolution No. 2048-2020 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING AND ADOPTING A CODE OF ETHICS FOR PUBLIC OFFICIALS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, RESOLUTIONS AND OFFICIAL DECISIONS, AND PROVIDING FOR AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Resolution number 2048-2020 establishing and adopting a Code of Ethics for Public Officials for the City of Jacksonville Beach.

Mr. Staffopoulos stated they had made some changes pursuant to Mr. Ambrosio’s opinion. Changes were summarized in the agenda memo.

Ms. Golding felt this was very important for Council members and board members. She suggested amending the language to state: “Should any public officials become aware of potential conflicts with this code, they may bring attention to the City Manager, City Attorney or City Council.” Mr. Staffopoulos said this would ensure appointed officials or any board members would understand if something was brought to their attention, they had the authority and responsibility to bring it to the appropriate party.

Mr. Ambrosio agreed to amend the language, as discussed.

Motion: It was moved by Ms. Golding and seconded by Mr. Doherty, to table this item so the City Attorney could incorporate her suggested change.

Voice Vote: Ayes – 7
Nays – 0
The motion passed unanimously.

Item #20-011 – RESOLUTION NO. 2049-2020

Mayor Latham requested the City Clerk read Resolution No. 2049-2020 by title only, whereupon Ms. Scott read the following:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING THE RATE FOR ATTORNEY FEES TO BE SOUGHT BY THE CITY ATTORNEY FOR

**REIMBURSEMENT UNDER THE CITY CHARTER CHAPTER VI,
SECTION 37, AND AS AUTHORIZED BY CONTROLLING CASE LAW.”**

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Resolution number 2049-2020 directing the City Attorney to seek reimbursement of the City Attorney’s legal services at the prevailing, reasonable hourly rate in which the City, Beaches Energy Services, and the Police Department are a party.

Mr. Staffopoulos said Mr. Ambrosio had brought this to the Council to allow him to seek reasonable rates for his time when litigating or prosecuting for the City. Mr. Ambrosio said the funds recovered would be put back into the City funds.

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

ORDINANCES:

Item #20-012 – ORDINANCE NO. 2019-8130 (Second Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2019-8130 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 AMENDING SECTION 8-1. “LOTS-PURCHASE EASEMENT FORM;” PROVIDING FOR FINDINGS; DELETING THE TERM “LINEAL;” ADDING THE TERM “COLLATERAL HEIRS;” REVISING THE PURCHASE EASEMENT FORM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.”

Public Hearing:

Mayor Latham asked if anyone wished to speak on this item. No one came forward.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance 2019-8130 following a second reading to revise the Form of Burial Easement to eliminate reference to “lineal descendants” and add “collateral heirs” to enable transfer of burial rights to all descendants and collateral heirs as described in the memorandum from the Director of Parks and Recreation dated December 23, 2019.

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

Item #20-013 - ORDINANCE NO. 2020-8131 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8131 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE AMENDING CHAPTER 34, ARTICLE IV, SECTION 34-41 AND ARTICLE VIII, DIVISION 2, SECTION 34-392 OF THE LAND DEVELOPMENT CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING THE DEFINITION OF HOUSEHOLD PETS TO INCLUDE FEMALE CHICKENS, AND AMENDING THE SITE DEVELOPMENT STANDARDS ACCESSORY USES AND STRUCTURES TO PERMIT FEMALE CHICKENS IN RESIDENTIAL ZONING DISTRICTS, ADDING CATS, DOGS, HAMSTERS AND BIRDS AS EXAMPLE HOUSEHOLD PETS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES AND OFFICIAL ACTS IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.”

Mr. Staffopoulos stated Item 20-013 and 20-014 were companion items. Ordinance No. 2020-8131 related to the Land Development Code and Ordinance No. 2020-8132 related to the Code of Ordinances.

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 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.”

Public Hearing:

Mayor Latham opened the public hearing on Ordinance No. 2020-8131.

No one came forward to speak.

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.”

Council Members Doherty, Dumont, Hoffman, Nichols, Vogelsang, and Mayor Latham stated they had no *ex-parte* communication.

Ms. Golding stated she spoke with Alexious Gamel, Katrina Lane and Lindsay Haga, who all support the ordinance, in person and on the phone.

Motion: It was moved by Ms. Golding and seconded by Mr. Vogelsang, to adopt Ordinance number 2020-8131 to amend sections 34-41 and 34-392 of the Jacksonville Beach Land Development Code related to permitting hens as household pets.

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.”

Ms. Golding stated this was in line with ordinances in Neptune Beach and Atlantic Beach, and she supported it.

Mayor Latham opposed this because he could not imagine anyone wanting to live next door to a property keeping chickens with the attendant noise and odors. He suggested a pilot program for one year.

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

Item 20-014 ORDINANCE NO. 2020-8132 (First Reading) (Public Hearing)

Mayor Latham requested the City Clerk read Ordinance No. 2020-8132 by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA AMENDING CHAPTER 5. ANIMALS AND FOWL, ADDING ARTICLE IV. BACKYARD HENS, PROVIDING PURPOSE AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR GENERAL REQUIREMENTS; REQUIRING PERMITS; PROVIDING FOR PERMITTED ZONING LOCATIONS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.”

Public Hearing:

Mayor Latham asked if anyone wished to speak on this item. No one came forward.

Motion: It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance number 2020-8132 to amend Chapter 5, "Animals and Fowl" of the city Code of Ordinances creating a new subsection related to regulating the keeping of hens as household pets on residential property.

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

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:40 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: 2/3/20