**Minutes of Regular City Council Meeting held Monday, August 15, 2022, at 6:00 P.M. in the Council Chambers, 11 North 3rd Street, Jacksonville Beach, Florida**

JACKSONVILLE BEACH

## OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

Council Member Janson provided the invocation, followed by the Pledge of Allegiance.

## CALL TO ORDER:

Mayor Hoffman called the meeting to order at 6:00 P.M.

## ROLL CALL:

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| Mayor: | Christine Hoffman | | |
| Council Members: | Sandy Golding | Dan Janson | Fernando Meza |
| | Georgette Dumont | Chet Stokes | Cory Nichols |

Also present were: City Manager Mike Staffopoulos, City Attorney Sandra Robinson, Director of Planning and Development Heather Ireland, Chief Financial Officer Ashlie Gossett, Property and Procurement Officer Luis Flores, Payroll & Benefits Administrator Duston Scott, Police Commander Thomas Bingham, Director of Parks and Recreation Jason Phitides, Director of Public Works Dennis Barron, Attorney for the City Cliff Shepard, and City Clerk Sheri Gosselin.

## APPROVAL OF MINUTES:

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, and passed unanimously to approve the following minutes:

- Council Briefing held on July 29, 2022
- Budget Workshop held on August 1, 2022
- Regular Council Meeting held on August 1, 2022
- Budget Workshop held on August 2, 2022

**Motion**: It was moved by Mr. Nichols, seconded by Ms. Golding, to amend the agenda to take Items J and K from the City Managers section and move them to the end of the agenda pursuant to Section 2-33 of the City Code.

**Roll Call Vote:** Ayes – Golding, Janson, Meza, Nichols, Stokes, Mayor Hoffman.
Nays – Dumont.
The motion passed 6-1

## ANNOUNCEMENTS:

Mayor Hoffman congratulated the Police Department on having a full class for the Citizen Police Academy.

**<u>COURTESY OF THE FLOOR TO VISITORS</u>:**
- Verna Griffin, 229 Lora Street, Neptune Beach, spoke on increasing the number of pickleball courts.
- April Howard, 29 San Pablo Circle South, Jacksonville Beach, spoke on a fence permit request.
- Liza Groshell, 2510 2nd Avenue North, Jacksonville Beach, spoke on the Windward Marina Property Approval.

**<u>MAYOR AND CITY COUNCIL</u>:** *No items*

**<u>CITY CLERK</u>:** *No items*

**<u>CITY MANAGER</u>:**
**Item A Accept/Reject the Monthly Financial Reports for the month of July 2022**

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to accept the Monthly Financial Reports for the month of July 2022.

**Discussion:** *None*

**Roll Call Vote:** Ayes – Golding, Janson, Meza, Nichols, Stokes, Dumont, Mayor Hoffman. The motion passed unanimously.

**Item B Approve/Disapprove modernization and upgrade of two elevators by Thyssen Krupp Elevator Corporation utilizing Sourcewell contract #47QSWA20D002A for an amount not to exceed $261,986**

Chief Financial Officer Ashlie Gossett explained this item was to provide full modernization of two elevators to meet recent safety changes in the Florida Statutes.

**Motion**: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve the modernization and upgrade of two elevators by Thyssen Krupp Elevator Corporation utilizing Sourcewell contract #47QSWA20D002A for an amount not to exceed $261,986.

**Discussion:**
A discussion ensued regarding the quote and anticipated supply chain issues.

**Roll Call Vote:** Ayes – Janson, Meza, Nichols, Stokes, Dumont, Golding, Mayor Hoffman. The motion passed unanimously.

**Item C Approve/Disapprove an Audit Agreement with The SpyGlass Group retroactively, and authorize a one-time payment of $119,622.12**

Ms. Gossett provided background on the item.

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to approve an Audit Agreement with The SpyGlass Group retroactively, and authorize a one-time payment of $119,622.12.

**Discussion:** *None*

**Roll Call Vote:** Ayes – Meza, Nichols, Stokes, Dumont, Golding, Janson, Mayor Hoffman. The motion passed unanimously.

**Item D** **Award/Reject RFP Number 06-2122 for Pension Administration Software to Gabriel, Roeder, Smith & Co. and authorize the Mayor and City Manager to execute the final contract**

Payroll & Benefits Administrator Duston Scott provided background on the item and said the new software would enable employees to calculate their own pension benefits.

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to award RFP Number 06-2122 for Pension Administration Software to Gabriel, Roeder, Smith & Co. and authorize the Mayor and City Manager to execute the final contract.

**Discussion:**
A brief discussion ensued about the compatibility of the software and the new Munis system.

**Roll Call Vote:** Ayes – Nichols, Stokes, Dumont, Golding, Janson, Meza, Mayor Hoffman. The motion passed unanimously.

**Item E** **Approve/Disapprove four out-of-service police vehicles to be donated as surplus to the Jacksonville Sheriff's Office in lieu of auction**

Police Commander Thomas Bingham explained the vehicles would be exchanged for initial and continued Precision Immobilization Training (PIT).

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to approve four out-of-service police vehicles to be donated as surplus to the Jacksonville Sheriff's Office in lieu of auction.

**Discussion:** *None*

**Roll Call Vote:** Ayes – Stokes, Dumont, Golding, Janson, Meza, Nichols, Mayor Hoffman. The motion passed unanimously.

**Item F** **Approve/Disapprove a Lease Agreement with The Huntington National Bank for 72 EZ-GO golf carts for 52 months according to Omnia Contract #R210201 and authorize the Mayor and City Manager to execute the Lease Agreement**

Director of Parks and Recreation Jason Phitides provided background on the item.

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to approve a Lease Agreement with The Huntington National Bank for 72 EZ-GO golf carts for 52 months according to Omnia Contract #R210201 and authorize the Mayor and City Manager to execute the Lease Agreement.

**Discussion:**
Mr. Phitides confirmed the golf carts would have upgraded GPS and would be compatible with the City's app.

**Roll Call Vote:** Ayes – Dumont, Golding, Janson, Meza, Nichols, Stokes, Mayor Hoffman. The motion passed unanimously.

**Item G Approve/Disapprove Development Agreement Approval for the Windward Marina Property**

Director of Planning and Development Heather Ireland provided background on the item. She responded to concerns expressed by the City's restaurant tenant.

The following spoke in opposition to the item:

- Teresa O'Brien, 1602 5th Avenue North, Jacksonville Beach

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to approve Development Agreement Approval for the Windward Marina Property.

**Discussion:**
A brief discussion ensued about the possible displacement of a cat colony, Animal Control, and concerns expressed via email by the Sierra Club [on file].

Agent T.R. Hainline, 1301 Riverplace Boulevard, Jacksonville, responded to the Sierra Club's concerns.

**Roll Call Vote:** Ayes – Golding, Janson, Meza, Nichols, Stokes, Dumont, Mayor Hoffman. The motion passed unanimously.

**Item H Award/Reject Bid Number 2122-09 to United Brothers Development Corp. for the construction of 10th Street South Infrastructure Improvements Phase 1 in an amount not to exceed $7,423,066; and**

**Approve/Disapprove an Agreement with Waitz & Moye for Construction Administration services in an amount not to exceed $29,681**

Director of Public Works Dennis Barron provided background on the item.

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to Award Bid Number 2122-09 to United Brothers Development Corp. for the construction of 10th Street South Infrastructure Improvements Phase 1 in an amount not to exceed $7,423,066.

**Discussion:**
A discussion ensued about neighborhood outreach, the bid quote, and the estimated construction timeline.

**Roll Call Vote:** Ayes – Janson, Meza, Nichols, Stokes, Dumont, Golding, Mayor Hoffman. The motion passed unanimously.

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to approve an Agreement with Waitz & Moye for Construction Administration services in an amount not to exceed $29,681.

**Discussion:** *None*

**Roll Call Vote:** Ayes – Meza, Nichols, Stokes, Dumont, Golding, Janson, Mayor Hoffman. The motion passed unanimously.

**Item I** **Approve/Disapprove an Agreement with Harrison Development #1, LLC, for the cost share participation on a sidewalk installation and authorize the Mayor and City Manager to execute the final Agreement**

Mr. Barron provided background on the item.

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to approve an Agreement with Harrison Development #1, LLC, for the cost share participation on a sidewalk installation and authorize the Mayor and City Manager to execute the final Agreement.

**Discussion:**
A brief discussion ensued about the project timeline.

**Roll Call Vote:** Ayes – Nichols, Stokes, Dumont, Golding, Janson, Meza, Mayor Hoffman. The motion passed unanimously.

Mayor Hoffman announced Item J and Item K would follow the Resolutions and Ordinance.

**RESOLUTIONS:**

**Item A** **Adopt/Deny Resolution No. 2115-2022 approving an Interlocal Agreement Between the City of Jacksonville, the City of Atlantic Beach, the City of Jacksonville Beach, the City of Neptune Beach, and the Town of Baldwin for Distribution of Opioid Litigation Settlement Proceeds**

City Attorney Sandra Robinson provided background on the item.

Mayor Hoffman requested the City Clerk read Resolution No. 2115-2022 by title only, whereupon Ms. Gosselin read the following:

**"A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF JACKSONVILLE, THE CITY OF ATLANTIC BEACH, THE CITY OF JACKSONVILLE BEACH, THE CITY OF NEPTUNE BEACH, AND THE TOWN OF BALDWIN FOR DISTRIBUTION OF OPIOID LITIGATION SETTLEMENT PROCEEDS; PROVIDING FOR ADOPTION OF RECITALS, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS AND COUNCIL DECISIONS, SEVERABILITY, AND AN EFFECTIVE DATE."**

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to adopt Resolution No. 2115-2022 approving an Interlocal Agreement between the City of Jacksonville, the City of Atlantic Beach, the City of Jacksonville Beach, the City of Neptune Beach, and the Town of Baldwin for Distribution of Opioid Litigation Settlement Proceeds.

**Discussion:** *None*

**Roll Call Vote:** Ayes – Stokes, Dumont, Golding, Janson, Meza, Nichols, Mayor Hoffman. The motion passed unanimously.

**Item B** **Adopt/Deny Resolution No. 2116-2022 adopting the updated Southend Redevelopment Area Plan**

Ms. Ireland provided background on the item.

Mayor Hoffman requested the City Clerk read Resolution No. 2116-2022 by title only, whereupon Ms. Gosselin read the following:

**"A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TO AMEND THE COMMUNITY REDEVELOPMENT PLAN FOR THE SOUTHEND REDEVELOPMENT AREA FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PREVIOUSLY AMENDED, ACCORDING TO THE REQUIREMENTS OF THE COMMUNITY REDEVELOPMENT ACT OF 1969, BY ADOPTING THE FY2023-2027 CAPITAL IMPROVEMENT PLAN AS PRESENTED IN EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT RESOLUTIONS AND COUNCIL DECISIONS, SEVERABILITY, AND AN EFFECTIVE DATE."**

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to adopt Resolution No. 2116-2022 adopting the updated Southend Redevelopment Area Plan.

**Discussion:** *None*

**Roll Call Vote:** Ayes – Dumont, Golding, Janson, Meza, Nichols, Stokes, Mayor Hoffman. The motion passed unanimously.

**ORDINANCES:**

**Item A** **Approve/Disapprove Ordinance No. 2022-8178 for a Redevelopment District: RD Rezoning Application for The Gallery at Jacksonville Beach Project on the first reading and schedule a second reading for Tuesday, September 6, 2022**

Ms. Ireland provided background on the item. She briefly reviewed the four project phases and conditions of approval.

Mayor Hoffman requested the City Clerk read Ordinance No. 2022-8178 by title only, whereupon Ms. Gosselin read the following:

> **"AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING A REDEVELOPMENT DISTRICT: RD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE."**

Mayor Hoffman read the following: "This ordinance for the Redevelopment District: RD rezoning of a property is before this Council for a public hearing and consideration on its first reading. Under the laws of the State of Florida, an application to amend the zoning regulations or map 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 his or her 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 RD rezoning application is based on the criteria set forth in Section 34-347(c)(3)i 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, Planning Commission, and Community Redevelopment Agency recommendations on this rezoning request.

I will now open the public hearing on Ordinance No. 2022-8178."

Attorney/Agent Steve Diebenow, One Independent Drive, Suite 1200, Jacksonville, stated he represented the applicant. He commented on the project phases, parking, and bar use.

**Public Hearing:**
No one came forth to speak on the item. Mayor Hoffman closed the public hearing.

**Ex-Parte Communications:**
Mayor Hoffman 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 Hoffman disclosed she had breakfast with Mr. Diebenow and discussed the information he presented at tonight's meeting. Additionally, they discussed other projects.

Council Member Stokes disclosed he was contacted by David Smith about the permitted and conditional use. He also spoke to Mr. Diebenow about the project to address questions and concerns.

Ms. Dumont disclosed she had coffee with Mr. Diebenow and discussed this project and other projects. She was also contacted by David Smith about the liquor licenses and proximity issues.

Council Member Meza disclosed he had coffee with Mr. Diebenow and discussed this project and other projects. He was also contacted by David Smith.

Mayor Hoffman added she received an email from Mr. Smith.

Council Member Nichols disclosed he received an email from Mr. Smith and discussed the project with Mr. Diebenow.

Mr. Janson disclosed he discussed the project with Mr. Diebenow and spoke with David Smith as well.

Council Member Golding disclosed she met with Mr. Diebenow to discuss this project and other City projects. She also had a call with David Smith to discuss his concerns about bars, lounges, and nightclubs being permitted uses.

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to approve Ordinance No. 2022-8178 for a Redevelopment District: RD Rezoning Application for The Gallery at Jacksonville Beach Project on the first reading and schedule a second reading for Tuesday, September 6, 2022.

Mayor Hoffman read the following: "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."

**Motion to Amend:** It was moved by Ms. Dumont, seconded by Ms. Golding, to approve subject to the conditions; each project phase will be reviewed by staff to ensure continued compliance with the Downtown CRA Plan; and in Phases 3 and 4, as it related to bar and restaurant development, any primary ingress or egress orientation, as well as outdoor seating, will be oriented to the north and south and any variation to that would require conditional use; and to move bars, lounges, nightclubs, taverns, and other drinking establishments from a permitted use to conditional use.

**Discussion:**
A discussion ensued about conditional use and outdoor dining.

**Roll Call Vote:** Ayes – Golding, Janson, Meza, Nichols, Stokes, Dumont, Mayor Hoffman. The motion to amend passed unanimously.

**Discussion:**
Discussion continued about conditional use, parking, and project phases.

**Roll Call Vote:** Ayes – Janson, Meza, Nichols, Stokes, Dumont, Golding, Mayor Hoffman. The original motion passed unanimously, as amended.

Mayor Hoffman called for a recess at 7:16 PM.

The meeting resumed at 7:19 PM.

**<u>CITY MANAGER (continued)</u>:**

**Item J Approve/Disapprove authorization to send formal notice to the American Red Cross for the reversion of the subject parcels to the City of Jacksonville Beach**

Attorney for the City Cliff Shepard provided background on the item and noted no decision made would affect the reverter clause. He read the reverter clause [on file].

**Public Comment:**
Mayor Hoffman opened the public comment.

The following spoke in opposition to the item:

- Rita Mairs, 1562 Holly Oaks Lake Road East, Jacksonville
- Phillip Eddins, 1893 Osprey Bluff Boulevard, Fleming Island
- Jason Gabriel, Attorney for the Volunteer Life Saving Corps (VLSC), 50 North Laura Street, Suite 3000, Jacksonville
- Mary Phillips, 934 10th Street North, Jacksonville Beach
- Jim Emery, 1764 Maritime Drive, Atlantic Beach

The following submitted a speaker card in opposition to the item but did not wish to speak:

- M Bandi Morford, 1219 Penman Road, Jacksonville Beach
- Thomas Cassaro, 601 11th Avenue North, Jacksonville Beach
- Neil Powell, 230 Pablo Road, Ponte Vedra Beach
- William White, 14433 Seafarer Drive, Jacksonville
- Trent Dalldorf, 536 Vikings Lane, Atlantic Beach
- Timothy Kline, 220 Myra Street, Neptune Beach
- Jared Newell, 115 Coastal Oak Circle, Ponte Vedra Beach
- Jason Caffey, 819 Patricia Lane, Jacksonville Beach
- Zachary Watson, 1424 Blue Heron Lane East, Jacksonville Beach
- Matt Duffy, 220 Pine Street, Neptune Beach
- Dylan Beaver, 838 Cavalla Road, Atlantic Beach
- Guy Bond, 1312 Plantation Oaks Drive South, Jacksonville Beach
- Reva Bond, 1312 Plantation Oaks Drive South, Jacksonville Beach
- Angie Brach, 620 10th Avenue North, Jacksonville Beach
- Courtney Proctor, 12 San Pablo Circle South, Jacksonville Beach
- Ross Ghiotto, 1809 4th Street, Neptune Beach
- Christopher Saggau, 1829 Arden Way, Jacksonville Beach

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to approve authorization to send formal notice to the American Red Cross for the reversion of the subject parcels to the City of Jacksonville Beach.

**Discussion:**
A discussion ensued regarding the separation of the VLSC from the Red Cross and the reversion of the subject parcels. Attorney Shepard provided an additional response to the public comment.

**Motion to Amend:** It was moved by Mr. Stokes to defer the item until Attorney Shepard and City Attorney Robinson collect sufficient information regarding the American Red Cross, the VLSC, and the reverter clause.

The motion failed due to the lack of a second.

**Roll Call Vote:** Ayes – Meza, Nichols, Stokes, Dumont, Golding, Janson, Mayor Hoffman.
The original motion passed unanimously.

**Item K** **Approve/Disapprove advancement of a resolution for consideration at a special City Council meeting; and**

**Approve/Disapprove authorization to legally challenge all matters related to and arising from the ballot initiative and referendum**

Attorney Cliff Shepard provided background on the item. He provided additional comments on the ballot initiative, referendum, and petition.

**Public Comment:**
Mayor Hoffman opened the public comment.

The following spoke on the item:
- Jim Emery, 1764 Maritime Drive, Atlantic Beach
- Mary Phillips, 934 10th Street North, Jacksonville Beach
- Thomas Cassaro, 601 11th Avenue North, Jacksonville Beach
- Jason Gabriel, 50 North Laura Street, Suite 3000, Jacksonville
- Britt Sanders, 59 Oakwood Road, Jacksonville Beach
- Zann Thames Williams, 45 Oakwood Road, Jacksonville Beach
- Rita Mairs, 1562 Holly Oaks Lake Road East, Jacksonville
- Sean O'Brien, 11932 Gran Meadows Way, Jacksonville
- Phillip Eddins, 1893 Osprey Bluff Boulevard, Fleming Island

The following submitted speaker cards but did not wish to speak:
- M Bandi Morford, 1219 Penman Road, Jacksonville Beach
- Neil Powell, 230 Pablo Road, Ponte Vedra Beach
- William White, 14433 Seafarer Drive, Jacksonville
- Trent Dalldorf, 536 Vikings Lane, Atlantic Beach
- Timothy Kline, 220 Myra Street, Neptune Beach
- Jared Newell, 115 Coastal Oak Circle, Ponte Vedra Beach
- Jason Caffey, 819 Patricia Lane, Jacksonville Beach
- Zachary Watson, 1424 Blue Heron Lane East, Jacksonville Beach
- Matt Duffy, 220 Pine Street, Neptune Beach
- Dylan Beaver, 838 Cavalla Road, Atlantic Beach
- Guy Bond, 1312 Plantation Oaks Drive South, Jacksonville Beach
- Reva Bond, 1312 Plantation Oaks Drive South, Jacksonville Beach
- Courtney Proctor, 12 San Pablo Circle South, Jacksonville Beach
- Ross Ghiotto, 1809 4th Street, Neptune Beach
- Christopher Saggau, 1829 Arden Way, Jacksonville Beach

The following submitted correspondence [on file] on the item:
- Valerie Britt, 506 15th Avenue North, Jacksonville Beach

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to approve advancement of a resolution for consideration at a special City Council meeting.

**Discussion:**
A discussion ensued about the referendum costs, possible liability risk to the City, the property deed, Florida Statutes, litigation, City Council procedures, the Department of Labor investigation, and the ballot initiative.

**Roll Call Vote:** Nays – Stokes, Dumont, Golding, Janson, Meza, Nichols, Mayor Hoffman. The motion failed unanimously.

**Motion:** It was moved by Mr. Nichols, seconded by Ms. Golding, to approve authorization to legally challenge all matters related to and arising from the ballot initiative and referendum.

**Discussion:**
Each Council Member voiced their opinion on the item.

Mr. Shepard clarified the next steps in the process.

**Roll Call Vote:** Ayes – Dumont, Golding, Janson, Meza, Nichols, Stokes, Mayor Hoffman. The motion passed unanimously.

**ADJOURNMENT:**
There being no further business, the meeting adjourned at 9:30 P.M.

Submitted by: Sheri Gosselin
City Clerk

Approval:

Christine H. Hoffman, MAYOR
Date: 9/6/22