

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



OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

Council Member Janson provided the invocation, followed by the Pledge of Allegiance, led by Boy Scout Troop 15: Charles Long, Benjamin Merritt, Issac Curley, Loren Ingraham, Jonathan Landmannz, and Stephen Salvador.

CALL TO ORDER:

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

ROLL CALL:

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, Chief Financial Officer Ashlie Gossett, Director of Beaches Energy Services Allen Putnam, Director of Parks and Recreation Jason Phitides, Beaches Energy Services Regulatory Compliance Officer Carolyn Woodard, Senior Planner Christian Popoli, 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:

- Budget Workshop held on August 8, 2022
- Budget Workshop held on August 9, 2022
- Regular Council Meeting held on August 15, 2022

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

- Council Briefing held on August 22, 2022

Motion to Amend: It was moved by Ms. Golding, seconded by Ms. Dumont, and passed unanimously to amend the minutes on Page 2 to include "as long as it does not substantially impact any other park amenities" to the discussion about adding two additional pickle ball courts to Gonzalez Park.

The minutes were passed and unanimously approved as amended.

ANNOUNCEMENTS:

Mayor Hoffman wished Council Member Stokes a Happy Birthday. She announced the Beaches Community Overdose Awareness seminar would be held on September 15, 2022.

Council Member Golding announced she attended a City of Jacksonville meeting on August 29, 2022, regarding safety improvements on Penman Road. She stated a community meeting regarding the improvements would be held in October or November. She announced the passing of community member Guy Boonsanong, who was the owner of Buddha Thai Bistro. She noted the following meetings would be held on September 7, 2022: a Council Briefing to discuss filling the City Council Seat 3 - At-Large vacancy, a Special Council Meeting on the budget adoption, and Mayor Hoffman would be providing an overview of the 16 proposed Charter amendments on the ballot in November at the monthly Beaches Watch meeting.

Council Member Stokes congratulated Kiyon Michael, the Primary Election winner for State Representative for District 16.

COURTESY OF THE FLOOR TO VISITORS:

Mayor Hoffman read the following statement about the recent incident regarding short-term rentals:

“First and foremost, I am so sorry that your safe and peaceful neighborhood was the site of such an awful event. I truly cannot imagine. Not only was a life lost and undoubtedly, a family shattered, but your safe, quiet cul-de-sac will never be the same.

As you know and are experiencing first-hand, Short Term Vacation Rentals (STVRs) are no longer concentrated in tourist/commercial areas and are making a steady march into the residential areas of Jacksonville Beach.

The City is working within state and local laws as well as within it’s constrained resources to stay on top of this very quickly emerging and evolving industry. It’s a constant struggle to balance this place where people want to vacation with the place that people live but please know your City takes this very seriously and is working at the state and local level to impact this issue positively for our community.”

The following spoke on a recent shooting at a short-term rental on Ocean Pond Court:

- Adeline Lamb, 1696 Ocean Pond Court, Jacksonville Beach
- Daniel Barley, 1605 Ocean Pond Court, Jacksonville Beach
- Ken Lamb, 1696 Ocean Pond Court, Jacksonville Beach
- Jennifer Card, 1693 Ocean Pond Court, Jacksonville Beach
- Jim Wright, 1684 Ocean Pond Court, Jacksonville Beach

MAYOR AND CITY COUNCIL: *No items*

CITY CLERK: *No items*

CITY MANAGER:

Item A Approve/Disapprove Bid No. 2122-11 to Visual Sound, Inc., for SCADA Video Wall, Furniture and Flooring Upgrade

Director of Beaches Energy Services Allen Putnam provided background on the item.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve Bid No. 2122 11 to Visual Sound, Inc., for SCADA Video Wall, Furniture and Flooring Upgrade.

Discussion: *None*

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

Item B **Approve/Disapprove a Piggyback Agreement with GrayMatter for an Operational Technology (OT) Cyber Risk Assessment in an amount not to exceed \$29,319.00**

Beaches Energy Services Compliance Officer Carolyn Woodard provided background on the item.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve a Piggyback Agreement with GrayMatter for an Operational Technology (OT) Cyber Risk Assessment in an amount not to exceed \$29,319.00.

Discussion: *None*

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

Item C **Approve/Disapprove trenching at four Beaches Energy Services Substations by Vanguard Electrical Contractors to bury wire for the installation of the gate alarms for an amount not to exceed \$50,600.00**

Ms. Woodard provided background on the item.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve trenching at four Beaches Energy Services Substations by Vanguard Electrical Contractors to bury wire for the installation of the gate alarms for an amount not to exceed \$50,600.00.

Discussion: *None*

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

Item D **Approve/Disapprove Final Plat for Villas of South Jax Beach**

Senior Planner Christian Popoli provided background on the item.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve the Final Plat for Villas of South Jax Beach.

Discussion: *None*

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

Item E **Approve/Disapprove upgrading the Selectron Interactive Voice Response (IVR) system as part of the ERP Implementation project and authorize the Mayor and City Manager to execute a maintenance agreement; and**

Approve/Disapprove of Selectron Technologies, Inc as the Sole Source Provider for maintenance and upgrades to the Selectron IVR System

Chief Financial Officer Ashlie Gossett provided background on the item.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve upgrading the Selectron Interactive Voice Response (IVR) system as part of the ERP Implementation project and authorize the Mayor and City Manager to execute a maintenance agreement.

Discussion:

Ms. Gossett clarified there were no additional fees for the interface.

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

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve of Selectron Technologies, Inc as the Sole Source Provider for maintenance and upgrades to the Selectron IVR System.

Discussion: *None*

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

Item F **Approve/Disapprove an exception to the Special Events Policy to allow the Florida Fin Fest on September 17 and September 18, 2022**

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 an exception to the Special Events Policy to allow the Florida Fin Fest on September 17 and September 18, 2022.

Discussion: A discussion ensued about supporting the event.

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

RESOLUTIONS:

Item A **Adopt/Deny Resolution No. 2121-2022 expressing the City Council's support for local bill JB-1 to be considered by the Duval County Legislative Delegation creating a special zone in the City of Jacksonville Beach known as the Downtown Incentive Zone so as to provide an exception to §561.20(1), Florida Statutes, for space, seating, and minimum gross revenue requirements for special alcoholic beverage licenses for public food service establishments within the Downtown Incentive Zone**

Mr. Popoli provided background on the item.

Mayor Hoffman requested the City Clerk read Resolution No. 2121-2022 by title only, whereupon Ms. Gosselin read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, EXPRESSING THE CITY COUNCIL’S SUPPORT FOR LOCAL BILL JB-1 TO BE CONSIDERED BY THE DUVAL COUNTY LEGISLATIVE DELEGATION CREATING A SPECIAL ZONE IN THE CITY OF JACKSONVILLE BEACH KNOWN AS THE DOWNTOWN INCENTIVE ZONE SO AS TO PROVIDE AN EXCEPTION TO §561.20(1), FLORIDA STATUTES, FOR SPACE, SEATING, AND MINIMUM GROSS REVENUE REQUIREMENTS FOR SPECIAL ALCOHOLIC BEVERAGE LICENSES FOR PUBLIC FOOD SERVICE ESTABLISHMENTS WITHIN THE DOWNTOWN INCENTIVE ZONE; 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. 2121-2022, expressing the City Council's support for local bill JB-1 to be considered by the Duval County Legislative Delegation creating a special zone in the City of Jacksonville Beach known as the Downtown Incentive Zone so as to provide an exception to §561.20(1), Florida Statutes, for space, seating, and minimum gross revenue requirements for special alcoholic beverage licenses for public food service establishments within the Downtown Incentive Zone.

Discussion:

City Manager Mike Staffopoulos referenced a graphic [on file] and clarified the Downtown Incentive Zone (DIZ) was the same boundary as the Central Business District (CBD).

A discussion ensued about Community Redevelopment Agency (CRA) feedback and Code restrictions.

Motion: It was moved by Ms. Golding to defer Resolution No. 2121-2022 until after the CRA provided feedback.

The motion to defer failed due to the lack of a second.

Discussion:

A discussion continued about restaurant operating hours, extended-hours permits, and CRA feedback.

Roll Call Vote: Ayes – Golding, Janson, Meza, Nichols, Stokes, Dumont, 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 second reading

Mr. Popoli provided background on the item. He addressed a letter [on file] submitted by the applicant and noted staff did not have an opportunity to delve into the proposed self-imposed conditions presented by the applicant.

Motion: It was moved by Ms. Dumont, seconded by Ms. Golding, to defer Ordinance No. 2022-8178 until the next City Council meeting.

Discussion:

A discussion ensued about the email received from Mr. Diebenow and the Ordinance referenced.

Attorney Steven Diebenow, One Independent Drive, Suite 1200, Jacksonville, confirmed the last section in the email was a carryover from another matter and could be disregarded.

Ms. Dumont withdrew her motion.

Mr. Popoli expressed staff concerns about the proposed conditions and enforcement.

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 second 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.”

Mr. Diebenow distributed a copy of the submitted letter [on file]. He reviewed the nine additional conditions.

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

Mr. Popoli stated the first five conditions were fine but reiterated concerns about the remaining conditions.

Mr. Diebenow discussed keeping condition 6, changing the wording on 7, and deleting conditions 8 and 9.

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 and all City Council members disclosed they received an email from David Smith and an email from Mr. Diebenow.

No additional ex-parte communication was received.

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 second reading.

Discussion:

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."

A discussion ensued about the nine conditions submitted by the applicant. The consensus of the Council was to include items 1-6, modify item 7, and remove items 8 and 9.

Motion to Amend: It was moved by Mr. Nichols, seconded by Ms. Golding, to modify the rezoning [conditions] to remove items 8 and 9; to modify item 7 to say "shall screen in accordance with the LDC;" and to leave item 6.

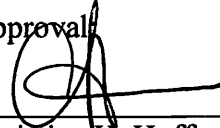
Roll Call Vote: Ayes – Janson, Meza, Nichols, Stokes, Dumont, Golding, Mayor Hoffman.
The motion to amend was unanimously approved.

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

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:19 P.M.

Submitted by: Sheri Gosselin
City Clerk

Approval: 

Christine H. Hoffman, MAYOR
Date: 9/19/22