

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

CALL TO ORDER:

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

ROLL CALL:

Mayor: Christine Hoffman

Council Members: Georgette Dumont Sandy Golding Dan Janson
 Fernando Meza Cory Nichols

Also present were: City Manager Mike Staffopoulos, City Attorney Sandra Robinson, Chief Financial Officer Ashlie Gossett, Commander Thomas Crumley, Detective Allan Ford, Community Redevelopment Agency (CRA) Coordinator Taylor Mobbs, Director of Planning and Development Heather Ireland, 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:

- Closed Executive Session held on November 7, 2022
- Regular Council Meeting held on November 7, 2022
- Special Council Meeting held on November 14, 2022

ANNOUNCEMENTS:

Council Member Golding thanked Council Member Dumont and Council Member Stokes for their service on City Council and welcomed new Council Members Horn and Sutton. She announced the 10th Annual Deck the Chairs would open on November 23, 2022.

Council Member Meza also thanked the outgoing Council Members and welcomed the new Council Members. He noted he recently attended Mr. John Galarneau's memorial service and would support any future effort to honor him. Mr. Meza welcomed four newly sworn in Jacksonville Beach Police Officers. He announced the upcoming retirement of Assistant to the City Manager Chris Wright.

Mayor Hoffman announced the upcoming retirement of Recreation Superintendant Jimmy Wilkins. She congratulated Caroline Marks, winner of the Super Girl Surf Pro Surf Competition.

COURTESY OF THE FLOOR TO VISITORS: *None*

MAYOR AND CITY COUNCIL:

Item A **Adopt the Declaration of Election results as provided by the Duval County Canvassing Board and certified by the State of Florida for the election results of the City of Jacksonville Beach General Election, held November 8, 2022**

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to adopt the Declaration of Election results as provided by the Duval County Canvassing Board and certified by the State of Florida for the election results of the City of Jacksonville Beach General Election, held November 8, 2022.

Discussion: *None*

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

Item C Presentation of Resolution of Esteem to Council Member Chester ("Chet") Stokes

Mayor Hoffman presented a Resolution of Esteem to Council Member Chet Stokes.

Item B Presentation of Resolution of Esteem to Council Member Georgette Dumont

Mayor Hoffman presented a Resolution of Esteem to Council Member Georgette Dumont.

CITY CLERK:

Item A Administer Oaths of Office

City Clerk Sheri Gosselin administered the Oaths of Office to Sandy Golding, Cory Nichols, Bill Horn, and Greg Sutton.

The newly sworn in Council Members took their seats on the dais.

ROLL CALL:

Mayor: Christine Hoffman

Council Members:	Sandy Golding	Bill Horn	Dan Janson
	Fernando Meza	Cory Nichols	Greg Sutton

MAYOR AND CITY COUNCIL:

Item A Nominate and select a Council Member to serve as Mayor Pro-Tem, with the term beginning November 21, 2022, and expiring after the certification of the election results in 2024

Mayor Hoffman opened the floor for nominations.

Council Member Meza nominated Council Member Nichols to serve as Mayor Pro-Tem.

Mayor Hoffman closed the floor for nominations.

Roll Call Vote: Nichols – Golding, Horn, Janson, Meza, Nichols, Sutton, Mayor Hoffman
Council Member Nichols was selected to serve as Mayor Pro-Tem by a unanimous vote.

Item B Request for Shade Meeting

City Attorney Sandra Robinson requested a Shade Meeting pursuant to Section 286.011(8), Florida Statutes, with the City Council, City Manager, and outside counsel to discuss and seek advice regarding settlement negotiations to resolve the Volunteer Life Saving Corps' pending litigation, and the City's pending litigation against SLG Investment Partnership. She proposed the meeting be held on December 12, 2022, prior to the City Council briefing. Ms. Robinson read the pending litigation file information into the record.

A consensus was reached to hold the Shade Meeting on December 12, 2022.

CITY MANAGER:

Item A Accept/Reject the Monthly Financial Reports for the month of October 2022

Chief Financial Officer Ashlie Gossett provided background on the item.

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

Discussion: *None*

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

Item B Approve/Disapprove the purchase of two UAS drones from Skydio on the Sourcewell contract from Federal Equitable Sharing funds

Commander Thomas Crumley provided background on the item.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve the purchase of two UAS drones from Skydio on the Sourcewell contract from Federal Equitable Sharing funds.

Discussion: A discussion ensued about pilot certification, use in investigations, drone capacity, flight restrictions, and technology support. Commander Crumley and Detective Allan Ford responded to questions from the Council.

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

Item C Approve/Disapprove the Scope of Services and Fees (Phase 1) for Halff and Associates for Design and Engineering Services for Latham Plaza in the amount of \$84,600.00

CRA Coordinator Taylor Mobbs explained the project would be split into two phases with Phase 1 refining the 2019 design concept.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve the Scope of Services and Fees (Phase 1) for Halff and Associates for Design and Engineering Services for Latham Plaza in the amount of \$84,600.00.

Discussion: A discussion ensued about the updated project timeline, budget, design, functionality, and maintenance.

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

Item D Approve/Disapprove declaring the Board of Adjustment seat of member Jeff Truhlar vacant per Section 34-93(d)(2) of the Code of Ordinances

Mayor Hoffman stated she received a letter from the Board of Adjustment (BOA) Chair advising of excessive absences of two BOA Members.

Motion: It was moved by Mr. Nichols to approve declaring the Board of Adjustment seat of member Jeff Truhlar vacant per Section 34-93(d)(2) of the Code of Ordinances.

The motion failed due to the lack of a second.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve declaring the Board of Adjustment seat of member Jeff Truhlar not vacant per Section 34-93(d)(2) of the Code of Ordinances.

Discussion: A discussion ensued about the importance of meeting attendance.

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

Item E 1. Approve/Disapprove the appointment of Todd Smith to fill the remainder of the vacant Regular Member term of Daniel Elmaleh on the Board of Adjustment expiring December 31, 2025; and

2. Approve/Disapprove the appointment of Jennifer Williams to fill the remainder of the vacant Regular Member term of Jeff Truhlar on the Board of Adjustment expiring December 31, 2023; OR Appoint Jennifer Williams as 1st Alternate on the Board of Adjustment to fill the remainder of the term of Todd Smith's 1st Alternate seat expiring December 31, 2025

Mayor Hoffman provided background on the item.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve the appointment of Todd Smith to fill the remainder of the vacant Regular Member term of Daniel Elmaleh on the Board of Adjustment, expiring December 31, 2025.

Discussion: A brief discussion ensued about Mr. Smith's attendance.

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

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to appoint Jennifer Williams as 1st Alternate on the Board of Adjustment to fill the remainder of the term of Todd Smith's 1st Alternate seat expiring December 31, 2025.

Discussion: A brief discussion ensued about Ms. Williams' attendance.

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

RESOLUTIONS:

Item A Adopt/Deny Resolution No. 2127-2022 adopting the Urban Trails Master Plan

Mayor Hoffman stated the item was deferred to a future meeting.

ORDINANCES:

Item A Approve/Disapprove Ordinance No. 2022-8186 on the first reading for a Redevelopment District RD Zoning District Rezoning for 201 5th Avenue North and schedule a second reading for December 5, 2022

Director of Planning and Development Heather Ireland explained the rezoning application was for 201 5th Avenue North, the former location of Bo's Coral Reef Bar. Ms. Ireland provided background on the item.

Mayor Hoffman requested the City Clerk read Ordinance No. 2022-8186 by title only, whereupon Ms. Gosselin read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, CREATING A REDEVELOPMENT DISTRICT: RD ZONING DISTRICT SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND PLAN FOR 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. 2022-8186.”

Public Hearing:

Applicant Scott McAlister, 1941 Beach Avenue, Atlantic Beach, distributed a handout [on file] to the Council and provided additional background on the project.

The following spoke in support of the ordinance:

- Don Hodges Jr., 411 12th Avenue South, Jacksonville Beach
- Brian Linton, 1201 Big Tree Road, Neptune Beach
- Ryan Lowe, 1417 4th Street North, Jacksonville Beach
- Joe Vieira, 395 Skate Road, Atlantic Beach
- Dennis Morgan, 405 Sanibel Court, Neptune Beach
- Tom Bryan, 6247 Ortega Farms Boulevard, Jacksonville
- Allen Ng, 12796 Chets Creek Drive North, Jacksonville

The following spoke in opposition to the ordinance:

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach

Mayor Hoffman closed the public hearing.

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.”

Ex-Parte Communications:

Mayor Hoffman, Mr. Nichols, and Mr. Janson received emails from Mr. Mcalister.

Council Member Sutton, and Mr. Meza, received emails from Mr. Marsh and Mr. Mcalister.

Council Member Horn disclosed he received an email from Mr. Marsh.

Ms. Golding disclosed she received an email from Mr. Mcalister and emails from Mr. Marsh, Mr. Ricketts, and another unnamed resident.

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: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve Ordinance No. 2022-8186 on the first reading for a Redevelopment District RD Zoning District

Rezoning for 201 5th Avenue North and schedule a second reading for December 5, 2022.

Discussion: A discussion ensued about facility capacity, the square footage of the mixed-use areas, parking, staff and board recommendations, non-conforming use, Florida Statute, and code compliance.

Roll Call Vote: Nays – Horn, Janson, Meza, Nichols, Sutton, Golding, Mayor Hoffman
The motion failed unanimously.

Mr. McAlister asked for an opportunity to defer for 30 days.
Ms. Robinson stated the Council could motion to reconsider.

Motion: It was moved by Mr. Meza to reconsider the item.
The motion failed due to the lack of a second.

Item B **Approve/Disapprove Ordinance No. 2022-8187 on the first reading for a Text Amendment to the Land Development Code for Fence Height, and schedule a second reading for December 5, 2022**

Ms. Ireland provided background on the item.

Mayor Hoffman requested the City Clerk read Ordinance No. 2022-8187 by title only, whereupon Ms. Gosselin read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE VIII, DIVISION 2. SUPPLEMENTAL STANDARDS, TO MODIFY THE FENCE HEIGHT REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Hoffman 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.

I will now open the public hearing on Ordinance No. 2022-8187."

Public Hearing:

The following spoke in support of the ordinance:

- April Howard, 29 San Pablo Circle South, Jacksonville Beach

The following submitted a speaker card in support of the ordinance:

- Cheri Jones, 27 San Pablo Circle South, Jacksonville Beach

Mayor Hoffman closed the public hearing.

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."

Ex-Parte Communications:

Mayor Hoffman, Mr. Meza, and Mr. Janson received emails from Ms. Howard.

Mr. Sutton, Mr. Horn, and Mr. Nichols had no ex-parte communications.

Ms. Golding disclosed she received an email from Ms. Howard and spoke with her several times.

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: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve Ordinance No. 2022-8187 on the first reading for a Text Amendment to the Land Development Code for Fence Height, and schedule a second reading for December 5, 2022.

Discussion: A discussion ensued about the property line.

Motion to Amend: It was moved by Mr. Sutton, seconded by Ms. Golding, to amend the motion to read, "The side and rear yard fences on single-family residential uses that are immediately adjacent to the established commercial or industrial use may be built to a height not exceed 8 feet on the property boundary immediately bordering the commercial or industrial use, and may be constructed without 25 percent of the aggregate surface area being open, even when the property is separated by an intervening alley.

Discussion: None

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

Discussion: A brief discussion ensued about the commercial property.

Original Motion, As Amended, Roll Call Vote: Ayes – Meza, Nichols, Sutton, Golding,
Horn, Janson, Mayor Hoffman
The motion passed unanimously.

Ms. Robinson clarified the procedure for the reconsideration of Ordinance A.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:17 P.M.

Submitted by: Sheri Gosselin
City Clerk

Approval:



Christine H. Hoffman, MAYOR

Date:



12/5/22