

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:	Sandy Golding	Bill Horn (absent)	Dan Janson
	Fernando Meza	Cory Nichols	Greg Sutton

Also present were: City Manager Mike Staffopoulos, City Attorney Sandra Robinson, Director of Public Works Dennis Barron, Director of Planning and Development Heather Ireland, Chief of Parks Development and Maintenance Trevor Hughes, 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:

- Regular Council Meeting held on November 21, 2022
- City Council Workshop held on November 17, 2022

ANNOUNCEMENTS:

Council Member Janson summarized a Florida Department of Transportation (FDOT) meeting, which discussed proposed improvements on Beach Boulevard from Penman Road to 3rd Street. He attended a Florida League of Cities Land Use and Economic Development Committee meeting and summarized the priorities.

Council Member Golding announced Tuba Christmas would be playing at Deck the Chairs on December 10, 2022. She shared the Jacksonville Beach Police Department's Kids Christmas Party would be held on December 11, 2022, and Santa would be in attendance for photos with children. She attended a Florida League of Cities Municipal Administration Policy Committee meeting where short-term rentals was selected as the priority for 2023.

Council Member Meza encouraged citizens to call 911 if they see any criminal situation in Jacksonville Beach. He attended a Florida League of Cities Finance, Taxation, and Personnel Committee Meeting and summarized the priorities.

Mayor Hoffman congratulated the Jacksonville Beach Police Department on their CALEA accreditation. She encouraged residents to attend Deck the Chairs. She mentioned the traffic separation component of the FDOT Beach Boulevard project.

COURTESY OF THE FLOOR TO VISITORS:

- Tiffany Turner, 535 3rd Avenue North, Jacksonville, spoke on the litigation between the City and SLG Investments.
- Greg Huntington, 6876 Greenland Industrial Park Boulevard, Jacksonville, spoke on Waste Management services and transition to Waste Pro of Florida, Inc.

- Steve Diebenow, 1 Independent Drive, Suite 1200, Jacksonville, spoke on the project at the former Bo's Coral Reef site.

MAYOR AND CITY COUNCIL: *None*

CITY CLERK: *None*

CITY MANAGER:

Item A **Approve/Disapprove the pre-order of equipment for FY2024 for the Golf Course Heavy Equipment Replacement Program**

Chief of Parks Development and Maintenance Trevor Hughes provided background on the item.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve the pre-order of equipment for FY2024 for the Golf Course Heavy Equipment Replacement Program.

Discussion: A brief discussion ensued about the contingency and quote expiration.

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

Item B **1. Award/Reject RFP No. 10-2122 to Waste Pro of Florida, Inc., for Collection and Disposal of Solid Waste and Recycling with twice-a-week residential collection; and**

2. Authorize the Mayor and City Manager to execute the contract upon final legal review and approval

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

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to award RFP No. 10-2122 to Waste Pro of Florida, Inc., for Collection and Disposal of Solid Waste and Recycling with twice-a-week residential collection.

Discussion:
A brief discussion ensued about waste collection, expectations, trash cans, fuel rates, and Waste Pro customer service.

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

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to authorize the Mayor and City Manager to execute the contract upon final legal review and approval.

Discussion: *None*

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

- Item C**
- 1. Award/Reject Bid No. 2122-15 to PBM Constructors, Inc., for the Rehabilitation of Liftstations #28 and #33 in an amount not to exceed \$1,020,395; and**
 - 2. Award/Reject the Construction Administration Engineering by Four Waters, Inc., in an amount not to exceed \$28,128**

Mr. Barron provided background on the item.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to award Bid No. 2122-15 to PBM Constructors, Inc., for the Rehabilitation of Liftstations #28 and #33 in an amount not to exceed \$1,020,395.

Discussion: *None*

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

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to award the Construction Administration Engineering by Four Waters, Inc., in an amount not to exceed \$28,128.

Discussion: *None*

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

- Item D**
- Approve/Disapprove a temporary Construction Easement to the Florida Department of Transportation for two locations adjacent to the Beach Boulevard right-of-way**

Mr. Barron provided background on the item.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve a temporary Construction Easement to the Florida Department of Transportation for two locations adjacent to the Beach Boulevard right-of-way.

Discussion: *None*

Roll Call Vote: Ayes – Golding, 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**

Mr. Hughes provided background on the item.

Mayor Hoffman requested the City Clerk read Resolution No. 2127-2022 by title only, whereupon Ms. Gosselin read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ADOPTING THE URBAN TRAILS MASTER PLAN; PROVIDING FOR ADMINISTRATIVE ASSIGNMENT AND AUTHORIZATION, 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. 2127-2022 adopting the Urban Trails Master Plan.

Discussion: A discussion ensued about the community input, prioritization, budget, and the next steps.

Public Hearing:

Mayor Hoffman opened the public hearing.

The following spoke in support of the resolution:

- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach

Mayor Hoffman closed the public hearing.

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

ORDINANCES:

Item A Approve/Disapprove Ordinance No. 2022-8183 on the first reading for a Redevelopment District: RD Zoning District amendment for the Dolphin Depot RD District and schedule a second reading for December 19, 2022

Director of Planning and Development Heather Ireland provided background on the item and distributed an updated site plan [on file]. She reviewed the conditions from the Community Redevelopment Agency and the Planning Commission.

Mayor Hoffman requested the City Clerk read Ordinance No. 2022-8183 by title only, whereupon Ms. Gosselin read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING REDEVELOPMENT DISTRICT: RD DISTRICT ORDINANCE NO. 2017-8089, 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. 2022-8183."

Public Hearing:

The applicant's representative, Steve Diebenow, 1 Independent Drive, Suite 1200, Jacksonville, reviewed how they addressed previous concerns. He stated the applicant accepted the conditions.

The following spoke in support of the ordinance:

- Joseph Abascal 768 2nd Street North, Jacksonville Beach
- Ken Marsh, 2011 Gail Avenue, Jacksonville Beach

The following spoke but did not express support or opposition:

- Robert Charles Daum, 111 7th Avenue North, Jacksonville Beach

Mayor Hoffman closed the public hearing.

Mr. Diebenow responded to Mr. Marsh's screening concerns.

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 had no ex-parte communication since the previous City Council meeting.

Council Member Sutton said he had no ex-parte communication but did participate in discussions on this project as a member of the Planning Commission.

Council Members Meza, Janson, Nichols, and Golding had no ex-parte communication.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve Ordinance No. 2022-8183 on the first reading for a Redevelopment District: RD Zoning District amendment for the Dolphin Depot RD District and schedule a second reading for December 19, 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."

Discussion: A discussion ensued about the east elevation.

Motion to Amend: It was moved by Ms. Golding, seconded by Mr. Nichols, to add the condition that the applicant identifies opportunities to visually enhance the 1st Street side of the building with art, decorative lighting, or a green wall.

Discussion: A discussion ensued about enhancing the 1st Street side.

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

Discussion: A discussion ensued about the updated site plan and landscaping.

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

Item B Adopt/Deny Ordinance No. 2022-8187 on the second reading for a Text Amendment to the Land Development Code for Fence Height

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 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. 2022-8187."

Public Hearing:

Ms. Ireland highlighted the language amended since the previous meeting.

The following spoke but did not express support or opposition:

- Gary Paetau, 725 Bonaire Circle, 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:

No City Council Member had ex-parte communication.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to adopt Ordinance No. 2022-8187 on the second reading for a Text Amendment to the Land Development Code for Fence Height.

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."

Discussion: None

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

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:10 P.M.

Submitted by: Sheri Gosselin
City Clerk

Approval



Christine H. Hoffman, MAYOR

Date:

12/19/22