

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	Dan Janson
	Fernando Meza	Cory Nichols	Greg Sutton

Also present were: City Manager Mike Staffopoulos, City Attorney Sandra Robinson, Chief Financial Officer Ashlie Gossett, Director of Public Works Dennis Barron, Director of Planning and Development Heather Ireland, Assistant to the City Manager Molly Alleger, Ocean Rescue Lieutenant Max Ervanian 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 City Council Meeting held on February 6, 2023
- Council Briefing held on February 13, 2023

ANNOUNCEMENTS:

Council Member Golding shared an invitation to the Jacksonville Mayoral Candidate Forum conducted by Beaches Watch on February 22, 2023. She stated there would be a Council Workshop on February 23, 2023, to discuss parking requirements as part of an update on the Comprehensive Plan and Land Development Code. She stated Beaches Watch would also host a meeting regarding the 2023 legislative session on March 1, 2023.

Council Member Meza shared that he was excited about new businesses in the City opening soon.

COURTESY OF THE FLOOR TO VISITORS:

- Michelle Tipton, 2333 Azalea Drive, Jacksonville Beach, spoke about the 35-foot height amendment adopted in 2004.

MAYOR AND CITY COUNCIL:

Item A Approve/Disapprove a 3% annual merit increase for the City Manager

Human Resources Director Kimberlee Bennett provided background on the item.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve a 3% annual merit increase for the City Manager.

Discussion: None

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

CITY CLERK: *None*

CITY MANAGER:

Item A **Accept/Reject the Monthly Financial Reports for the month of January 2023**

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to accept the Monthly Financial Reports for the month of January 2023.

Discussion: *None*

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

Item B **Approve/Disapprove an emergency sewer replacement to be completed by United Brothers Development Corporation in an amount not to exceed \$733,319.**

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

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve an emergency sewer replacement to be completed by United Brothers Development Corporation in an amount not to exceed \$733,319.

Discussion: Discussion ensued regarding the timeline, sewer line master planning, and the pipe lining process.

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

Item C **1. Approve/Disapprove an exception to the Special Events Policy to allow Florida Fin Fest in September 2023;**
 2. Approve/Disapprove an exception to the Special Events Policy to allow Super Girl Surf Pro on Veteran's Day weekend.

Assistant to the City Manager Molly Alleger 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 Florida Fin Fest in September 2023.

Discussion: *None*

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

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve an exception to the Special Events Policy to allow Super Girl Surf Pro on Veteran's Day weekend.

Discussion: *None*

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

RESOLUTIONS:

Item A Adopt/Deny Resolution No. 2137-2023 establishing rates, charges, and fees for the Ocean Rescue Junior Lifeguard Program.

Ocean Rescue Lieutenant Max Ervanian provided background on the item.

Mayor Hoffman requested the City Clerk read Resolution No. 2137-2023 by title only, whereupon Ms. Gosselin read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING RATES, CHARGES, AND FEES FOR THE OCEAN RESCUE JUNIOR LIFEGUARD PROGRAM; 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. 2137-2023 establishing rates, charges, and fees for the Ocean Rescue Junior Lifeguard Program.

Discussion: A brief discussion ensued on the background of the program and the potential for a grant opportunity for participants in the future.

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

ORDINANCES:

Item A Approve/Disapprove Ordinance No. 2023-8190 on the second reading for a text amendment to update Section 34-467 - Flood Hazard Area, of the Land Development Code.

Director of Planning and Development Heather Ireland provided background on the item.

Mayor Hoffman requested the City Clerk read Ordinance No. 2023-8190 by title only, whereupon Ms. Gosselin read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 34 – LAND DEVELOPMENT CODE, ARTICLE VIII – SITE DEVELOPMENT STANDARDS, DIVISION 5 – ENVIRONMENTAL STANDARDS, SECTION 34-467 – FLOOD HAZARD AREA, TO PROVIDE FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS AND TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; 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. 2023-8190."

Public Hearing:

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

- Todd Smith, 1443 10th Street North, Jacksonville Beach
- Robin Smith, 1443 10th Street North, 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 and Council Members Sutton, Nichols, and Janson had none to disclose.

Council Members Horn, Meza, and Golding disclosed they received an email in opposition.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to adopt Ordinance No. 2023-8190 on the second reading for a text amendment to update Section 34-467 – Florida Hazard Area, of the Land Development Code.

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, staff's report, the recommendation of the Planning Commission, and public input at all hearings."

Discussion: Council Member Horn noted a scrivener's error related to the Section number referenced by the ordinance.

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

Item B **Approve/Disapprove Ordinance No. 2023-8191 on the second reading to repeal Section 7-17 of the Code of Ordinances.**

Ms. Ireland provided background on the item.

Mayor Hoffman requested the City Clerk read Ordinance No. 2023-8191 by title only, whereupon Ms. Gosselin read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING CHAPTER 7, BUILDINGS AND BUILDING REGULATIONS, BY REPEALING SECTION 7-17 REFERENCING THE FLORIDA BUILDING CODE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.”

Mayor Hoffman read the following: “This ordinance is before this Council for a public hearing and consideration on its second reading.

I will now open the public hearing on Ordinance No. 2023-8191.”

Public Hearing:

No one came forward to speak. Mayor Hoffman closed the public hearing.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to adopt Ordinance No. 2023-8191 on the second reading to repeal Section 7-17 of the Code of Ordinances.

Discussion: *None*

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

Item C **Approve/Disapprove Ordinance No. 2023-8192 on the second reading for Rezoning for North Beach Townhomes PUD.**

Ms. Ireland provided background on the item.

Mayor Hoffman requested the City Clerk read Ordinance No. 2023-8192 by title only, whereupon Ms. Gosselin read the following:

“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ESTABLISHING A PLANNED UNIT DEVELOPMENT: PUD 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 rezoning of 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 for the rezoning of 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 their 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 rezoning 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.

In addition, the Council has received a copy of the application and the staff and Planning Commission reports on this rezoning request.

The City has received advanced notice from the applicant, through its attorney, that they may exercise their rights, pursuant to Section 286.0115(b) of the Florida Statutes, to cross-examine any witness whose public hearing testimony or comments may be construed as competent substantial evidence or may otherwise have a substantive effect on the decision of this Council.

I will now open the public hearing on Ordinance No. 2023-8192.”

Public Hearing:

Zach Miller, 3202 Old Barn Court, Ponte Vedra Beach, introduced himself on behalf of the applicant and presented the project with changes, including proposed conditions of approval.

The following did not wish to speak but submitted a speaker card in support of the ordinance:

- Lindon Hayes, 3000 1st Street South, Jacksonville Beach
- Charles E. Kennedy, 3731 Eagle Ridge Drive, Jacksonville

The following spoke in opposition to the ordinance:

- Lisa Sandstrom, 1171 3rd Avenue North, Jacksonville Beach
- Ryan Walls, 1104 2nd Avenue North #2, Jacksonville Beach
- Kathy Moore, 115 11th Street North, Jacksonville Beach
- Debra Janin Collins, 1105 1st Avenue North, Jacksonville Beach
- K.C. Braun, 804 13th Avenue North, Jacksonville Beach
- Ellen Victoria Lake, 10 Dogwood Court, Jacksonville Beach
- Gary Lyon, 1217 4th Avenue North, Jacksonville Beach
- Elaine Hinsoh, 1307 Rigdon Road, Jacksonville, and 1028 4th Street North Unit A, Jacksonville Beach
- Robin W. Smith, 2706 Colonies Drive, Jacksonville Beach

- Patrick Kennedy, 1118 4th Avenue North, Jacksonville Beach
- Mary Phillips, 934 10th Street North, Jacksonville Beach
- Roger Whiting, 1103 2nd Avenue North, Jacksonville Beach
- Cynthia Simpson, 1005 1st Avenue North #7, Jacksonville Beach
- Ronda S. McDonald, 1120 2nd Avenue North, Jacksonville Beach
- Michael Dunlap, 1120 2nd Avenue North, Jacksonville Beach
- Tony Komarek, 533 11th Avenue South, Jacksonville Beach
- Michelle Tipton, 2333 Azalea Drive, Jacksonville Beach
- Todd Smith, 1443 10th Street North, Jacksonville Beach
- Brenda Shields, 2015 18th Street North, Jacksonville Beach
- Albin L. Clark, 933 2nd Avenue North, Jacksonville Beach

Mr. Miller cross-examined Mr. Walls immediately following his testimony.

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

- Andrew Hernandez, 1128 4th Avenue North, Jacksonville Beach
- Margaret Fishback, 525 3rd Street North #408, Jacksonville Beach
- Margaretta Clark, 933 2nd Avenue North, Jacksonville Beach
- Connie Rifkin, 406 11th Street North, Jacksonville Beach
- David Rifkin, 406 11th Street North, Jacksonville Beach
- Jacques M. Corneau, 1129 2nd Avenue North, Jacksonville Beach
- Scott Roycraft, 604 Patricia Lane, Jacksonville Beach
- Jim Gillis, 800 10th Street North, Jacksonville Beach
- Marcelle Gillis, 800 10th Street North, Jacksonville Beach
- Robert Flores, 1168 4th Avenue North, Jacksonville Beach
- Christa Murphy, 519 6th Street North, Jacksonville Beach
- Joseph Martin, 1778 Oak Breeze Lane, Jacksonville Beach
- Trey Phillips, 934 10th Street North, Jacksonville Beach
- Carolyn Pugh, 567 Palm Tree Road, Jacksonville Beach
- Maryellen C. Andreasen, 505 Palm Tree Road, Jacksonville Beach
- Donna Doane, 937 4th Avenue North, Jacksonville Beach
- Luanne Lentz, 831 7th Avenue North, Jacksonville Beach

Mr. Miller responded to the public comments briefly, addressing concerns regarding parking, trees, density, and the consideration of urban trails.

Alex Sifakis, 340 8th Street, Atlantic Beach, applicant, acknowledged the community concerns and stated they are working to address them to the best of their ability. He discussed the scale of the project and adjacent developments, short-term rentals, parking, and amenities.

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 disclosed she had spoken with Mr. Miller by phone on February 16, 2023, to discuss amendments related to short-term rentals. She stated she received numerous emails both in favor and in opposition.

Council Member Sutton disclosed he had a discussion with residents Austin and Shirley Dutcher, and stated he received numerous emails both in favor and in opposition.

Council Members Horn and Janson disclosed they received numerous emails in support and opposition.

Council Member Meza disclosed he received numerous emails in support and opposition and a phone call from Mr. Sifakis related to the proposed conditions.

Council Member Nichols disclosed he had spoken with the applicant the day following the first reading, mostly regarding short-term rentals and his opposition to them. He stated he received numerous emails in support and opposition.

Council Member Golding disclosed she received 13 emails in support and 35 emails in opposition to the ordinance.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to adopt Ordinance No. 2023-8192 as amended, with conditions specified in paragraphs 2c through 2f, on the second reading for Rezoning for North Beach Townhomes PUD.

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 regarding ongoing work on the Land Development Code, the number of trees planned, setbacks, recycling, and development standards.

Roll Call Vote: Ayes – Janson, Meza, Nichols, Mayor Hoffman
Nays – Sutton, Golding, Horn
The motion passed 4-3.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:07 P.M.

Submitted by: Sheri Gosselin
City Clerk

Approval:



Christine H. Hoffman, MAYOR

Date:

