

**Minutes of Regular City Council Meeting
held Monday, October 4, 2021, at 6:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES:

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
	Cory Nichols	Fernando Meza	Chet Stokes

Also present were: City Manager Mike Staffopoulos, Director of Parks and Recreation Jason Phitides, Director of Human Resources Kimberlee Bennett, Director of Public Works Dennis Barron, 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:

- A. Council Briefing held on September 13, 2021
- B. Special Council Meeting held on September 20, 2021 (Budget Adoption)
- C. Regular Council Meeting held on September 20, 2021
- D. Council Workshop held on September 23, 2021 (Charter Review)

ANNOUNCEMENTS:

Council Member Golding reminded everyone of the Council Briefing on October 11, 2021, in which the Council was slated to discuss trash issues. She reported leashed dogs were now permitted on the beach 24/7.

Council Member Meza thanked the Jacksonville Beach Police Department for their recent participation in the manhunt related to the shooting death of Nassau County Deputy Josh Moyers.

COURTESY OF THE FLOOR TO VISITORS:

- Paula Conroy, 1737 Oakbreeze Lane, Jacksonville Beach, spoke about her opposition to the Adventure Landing site redevelopment.
- Barbara Bauer, 604 13th Avenue South, Jacksonville Beach, shared her concerns regarding increased traffic due to the proposed housing construction on both sides of the Beach Boulevard bridge. Ms. Bauer asked the Council to enact a moratorium on all new building permits and zoning change requests until the Comprehensive Plan and Land Development Code updates were finalized.
- Linda M. Fisher, 637 Lower 8th Avenue South, Jacksonville Beach, opposed granting any rezoning request, which she felt unfairly favored anyone "big enough and rich enough."

MAYOR AND CITY COUNCIL: *No items*

CITY CLERK: *No items*

CITY MANAGER:

Item A Approve/Disapprove the application to rename the Tennis Center at Huguenot Park to Jax Beach Tennis Club

Director of Parks and Recreation Jason Phitides stated the Council agreed during a recent briefing (August 9, 2021) to change the tennis center's name, which was consistent with the golf course.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to approve the application to rename the Tennis Center at Huguenot Park to "Jax Beach Tennis Club."

Discussion: Discussion ensued regarding whether the name should be "Jacksonville Beach Tennis Club" or "Jax Beach Tennis Club." Council members also discussed the inconsistency regarding the name of the golf club.

Amended Motion: It was moved by Ms. Golding and seconded by Mr. Stokes to amend the motion and approve the application to rename the Tennis Center at Huguenot Park, "Jacksonville Beach Tennis Club."

On the amendment:

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

On the amended original motion:

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

Item B Award/Reject RFQ 06-2021 Continuing Professional Engineering Services to multiple firms and, if awarded, authorize the Mayor and City Manager to negotiate and execute the final contracts

Director of Public Works Dennis Barron said the previous contract expired four days ago.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to award RFQ 06-2021 Continuing Professional Engineering Services to multiple firms and, if awarded, authorize the Mayor and City Manager to negotiate and execute the final contracts.

Discussion: Council Member Nichols suggested awarding the contract to all the engineering firms that submitted proposals to provide more potential resources. Mr. Barron did not object.

Amended Motion: It was moved by Mr. Nichols and seconded by Ms. Dumont to award RFQ 06-2021 Continuing Professional Engineering Services to all engineering

companies that submitted qualifying RFQs and, if awarded, authorize the Mayor and City Manager to negotiate and execute the final contracts.

On the amendment:

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

On the amended original motion:

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

Item C Approve/Disapprove an Agreement with St. Johns River Water Management District for grant funding for the Penman Road Septic to Sewer Project in an amount up to \$45,000

Mr. Barron said after filing paperwork and completing the work, the City would receive a refund for some of the costs.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to approve an Agreement with St. Johns River Water Management District for grant funding for the Penman Road Septic to Sewer Project in an amount up to \$45,000.

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

Item D Approve/Disapprove the Final Plat for 2nd Avenue South, Replat of Lot 6 Block 20, Pablo Beach South

Director of Planning and Development Heather Ireland summarized Items D, E, and F. Item D was a replat for a three-unit fee simple townhouse project; Item E was a six-unit townhouse project; Item F was a nine-unit fee simple townhouse development in three buildings.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to approve the Final Plat for 2nd Avenue South, Replat of Lot 6 Block 20, Pablo Beach South.

Discussion:

Council Member Dumont stated the replats followed the criteria, were consistent with the Comprehensive Plan, and were compatible with the surrounding area. However, she also pointed out the community was very different from when the Comprehensive Plan was initially approved. Council Member Stokes noted almost a third of the approved developments over the last ten years were done in 2020. All of them followed the current Land Development Code and represented 1% of the total housing units. A discussion ensued regarding parking. Ms. Ireland said they all would have at least two parking spaces, counting the one-car garage, regardless of the number of bedrooms.

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

Item E Approve/Disapprove the Final Plat for 3rd Avenue South, Replat of the west half of Lot 2 and all of Lot 3, Block 40, Pablo Beach

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to approve the Final Plat for 3rd Avenue South, Replat of the west half of Lot 2 and all of Lot 3, Block 40, Pablo Beach.

Discussion: Ms. Dumont said her comments from the previous item applied to this as well.

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

Item F Approve/Disapprove the Final Plat for 1st Avenue North, Replat of Lots 8, 9, and 10, Pine Grove Unit 3

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to approve the Final Plat for 1st Avenue North, Replat of Lots 8, 9, and 10, Pine Grove Unit 3.

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

**Item G Approve/Disapprove renewals (effective January 1, 2022) with:
Florida Blue for medical insurance;
MetLife for dental insurance;
Superior Vision for voluntary vision insurance;
Standard for life insurance and AD&D; and
Voya for voluntary critical illness, gap, and accident insurance**

Director of Human Resources Kimberlee Bennett stated all rates except medical, which would increase by 5.7%, would remain the same. Ms. Bennett advised they worked with Florida Blue to keep the price down and to lower three copays.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to approve renewals (effective January 1, 2022) with: Florida Blue for medical insurance; MetLife for dental insurance; Superior Vision for voluntary vision insurance; Standard for life insurance and AD&D; and Voya for voluntary critical illness, gap, and accident insurance.

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

RESOLUTIONS

Item A Adopt/Deny Resolution No. 2092-2021 amending the Position Classification and Pay Plan for Managerial, Professional, and Administrative (nonunion) Positions effective October 5, 2021

Ms. Bennett stated there were six proposed changes.

RESOLUTION NO. 2092-2021

Mayor Hoffman requested the City Clerk read Resolution No. 2092-2021 by title only, whereupon Ms. Gosselin read the following:

"A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING ITS POSITION CLASSIFICATION AND PAY PLAN FOR MANAGERIAL, PROFESSIONAL, AND ADMINISTRATIVE (NONUNION) POSITIONS; PROVIDING FOR ADOPTION OF RECITALS, ADOPTION OF THE PLAN, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE."

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to adopt Resolution No. 2092-2021 amending the Position Classification and Pay Plan for Managerial, Professional, and Administrative (nonunion) Positions effective October 5, 2021.

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

ORDINANCES

Item A **Approve/Disapprove Ordinance No. 2021-8167 amending PUD Ordinance No. 7411, as amended, supplementing the comprehensive zoning regulations on the first reading, and schedule a second reading for October 18, 2021**

ORDINANCE NO. 2021-8167 (First Reading) (Public Hearing)

Mayor Hoffman requested the City Clerk read Ordinance No. 2021-8167 by title only, whereupon Ms. Gosselin read the following:

"AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT ORDINANCE NO. 7411, AS AMENDED, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CITY OF JACKSONVILLE BEACH LAND DEVELOPMENT CODE."

Mayor Hoffman read the following:

"This ordinance to amend the PUD zoning regulations 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 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 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 zoning 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.

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

Public Hearing:

Mayor Hoffman opened the public hearing on Ordinance No. 2021-8167.

Speakers:

- Applicant's Representative Steven Diebenow, 1 Independent Drive, Suite 1200, Jacksonville, reviewed the Applicant's proposed plan and requested two changes to the ordinance:
 1. In Section 5, the last sentence, regarding fire sprinklers, he said there would be no permanent outdoor display; therefore, sprinklers were not needed. He requested to delete "areas used for outdoor retail display and sales areas and outdoor."
 2. For Condition #3, which was modified by the Planning Commission to require barriers every 48", he requested a change to every 66" based on their research.
- Linda M. Fisher, 637 Lower 8th Avenue South, Jacksonville Beach, asked Council to consider a way to avoid traffic backing up onto Jacksonville Drive.

Ms. Ireland did not object to Mr. Diebenow's request to change Condition #3. However, regarding the Section 5 change, Ms. Ireland stated the Fire Marshall advised even the temporary outside display areas should be sprinklered, so she could not support that change.

Ex-Parte:

Mayor Hoffman closed the public hearing and 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."

Council Member Stokes advised he spoke to Mr. Diebenow and Patrick McKinley regarding different sections of the ordinance. Ms. Golding noted she spoke to Mr. Diebenow and Ms. Fisher. All others reported no ex-parte communication.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to adopt Ordinance No. 2021-8167 amending PUD Ordinance No. 7411, as amended, supplementing the comprehensive zoning regulations on the first reading, and schedule a second reading for October 18, 2021.

Mayor Hoffman read the following statement for the record:

"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:

Discussion ensued regarding the sprinkler requirements, amplified noise permits, outdoor seating percentages, and barrier spacing. It was the consensus of the Council that both outdoor seating and the amplified noise requirements should mirror the current city regulations. Ms. Ireland also noted the sound regulations would apply to the boundaries of each establishment, and Code Enforcement would handle any noise complaints.

Mr. Diebenow confirmed restaurants would only be allowed in four locations. He said they would apply for sound permits and comply with the Code regarding outdoor sound. Mr. Diebenow stated for the outdoor seating percentages, they wanted to allow small restaurants to have outdoor dining and would agree to 50% instead of 60%.

Amended Motion: It was moved by Ms. Golding and seconded by Mr. Stokes to amend Section 5.20.a. of the ordinance to include the requirement that the outdoor dining not exceed 50% of the enclosed space.

Mr. Stokes wanted the outdoor dining to match the Code provision, which may change in the future.

Ms. Golding withdrew her previous motion to reword it:

Amended Motion #1: It was moved by Ms. Golding and seconded by Mr. Stokes to amend Section 5.20.a. to limit the outside dining areas to not exceed 50% of the enclosed space or whatever is set by code, whichever is greater.

On the amendment:

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

Amended Motion #2: It was moved by Ms. Golding and seconded by Ms. Dumont to amend Section 5.20.d. to add, "shall be required to obtain a low-volume outdoor amplified sound permit" to that section.

On the amendment:

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

Amended Motion #3: It was moved by Mr. Nichols and seconded by Mr. Jansen to amend Section 5.20. of the ordinance, the last sentence to say, "All areas used for outdoor retail display and sales areas and outdoor restaurant areas shall be fire sprinklered as required by the office of the Fire Marshall."

On the amendment:

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

Amended Motion #4: It was moved by Mr. Stokes and seconded by Mr. Nichols to amend [Section 5.20.c.] that the barriers would be placed no farther than 66" apart.

On the amendment:

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

On the amended original motion:

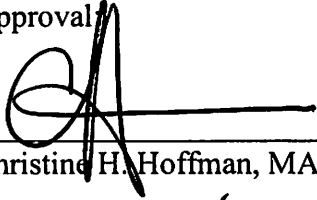
Roll Call Vote: Ayes – Janson, Meza, Nichols, Stokes, Dumont, Golding, Mayor Hoffman
The motion passed unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:31 P.M.

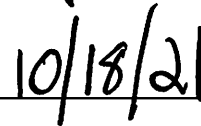
Submitted by: Sheri Gosselin
City Clerk

Approval



Christine H. Hoffman, MAYOR

Date:



10/18/21