

**Minutes of Regular City Council Meeting
held Monday, December 20, 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
	Fernando Meza	Cory Nichols	Chet Stokes (absent)

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, Budget Officer AJ Souto, 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 December 6, 2021
- Council Briefing held on December 13, 2021

ANNOUNCEMENTS:

Council Member Golding announced she and Council Member Dumont attended the Rhoda L. Martin Cultural Heritage Center's fundraising celebration on December 11, 2021. She noted the Center would also host the annual Martin Luther King Celebration on January 15, 2022, at the Seawalk Pavilion. She said Beaches Watch would be hosting the State of the Beaches meeting on January 12, 2022.

Mayor Hoffman advised the Community Open House on the Height Amendment would be held on January 12, 2022.

COURTESY OF THE FLOOR TO VISITORS:

- Doug Conkey, Intergovernmental Coordinator, St. Johns River Water Management District, reviewed district programs and discussed the importance of innovation.

MAYOR AND CITY COUNCIL: *No items*

CITY CLERK: *No items*

CITY MANAGER:

Item A **Authorize elected officials to attend the Florida League of Cities Legislative Action Days February 8 and 9, 2022 in Tallahassee**

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to authorize elected officials to attend the Florida League of Cities Legislative Action Days February 8 and 9, 2022, in Tallahassee.

Discussion: Council Members Golding, Dumont, Nichols, Meza, and Mayor Hoffman expressed interest in attending.

Modified Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to authorize up to five elected officials to attend the Florida League of Cities Legislative Action Days February 8 and 9, 2022, in Tallahassee.

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

Item B **Accept/Reject the Monthly Financial Reports for the month of November 2021**

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to accept the Monthly Financial Reports for the month of November 2021.

Discussion: None

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

Item C **Approve/Disapprove the Assignment and Assumption Agreement assigning the Agreement for Professional Engineering Services for RFP No. 10-1920 and the Confidentiality Contract signed in conjunction therewith entered into by Fred Wilson & Associates, Inc., to Chen Moore and Associates, Inc.**

Motion: It was moved by Nichols, seconded by Ms. Golding, to approve the Assignment and Assumption Agreement assigning the Agreement for Professional Engineering Services for RFP No. 10-1920 and the Confidentiality Contract signed in conjunction therewith entered into by Fred Wilson & Associates, Inc., to Chen Moore and Associates, Inc.

Discussion: None.

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

Item D **Approve/Disapprove the Assignment and Assumption Agreement assigning the Franchise Contract Agreement for the Collection, Disposal of Solid Waste**

and Recycling for RFP No. 11-1516 entered into by Advanced Disposal Services Jacksonville, LLC, to Waste Management Inc. of Florida

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve the Assignment and Assumption Agreement assigning the Franchise Contract Agreement for the Collection, Disposal of Solid Waste and Recycling for RFP No. 11-1516 entered into by Advanced Disposal Services Jacksonville, LLC, to Waste Management Inc. of Florida.

Director of Public Works Dennis Barron stated Advanced Disposal Services was taken over by Waste Management at the beginning of 2021.

Discussion: Ms. Golding noted Waste Management was not doing an annual communication to the citizens in regards to recycling and other services, per the RFP. Mr. Barron responded he would contact Waste Management to offer better communication to the residents.

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

Item E Approve/Disapprove the repair of the Shared Wastewater Effluent Outfall in the Amount of \$160,422

Mr. Barron stated the repair was not on the pipeline but the timbers that support the pipeline over three waterways. The costs fell outside the budget because they could not be predicted until the inspection was completed. The evaluation was completed in January 2021, with the costs outlined in July 2021. Mr. Barron confirmed Public Works had funding for this project.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve the repair of the Shared Wastewater Effluent Outfall in the Amount of \$160,422.

Discussion: None.

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

Item F Approve/Disapprove the Septic Tank Phase-out Rebate Program

Mr. Staffopoulos stated this project could qualify for the American Rescue Plan Act (ARPA) funds. Budget Officer AJ Souto stated the project would be brought before the Council for consideration, and would trigger notice to affected residents of the installation of a sewer system.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve the Septic Tank Phase-out Rebate Program.

Discussion: City Manager Mike Staffopoulos stated there were two properties that, geographically, made it difficult to eliminate all septic tanks. He stated they would

discuss options for those two properties with Mr. Conkey. Mr. Souto stated the rebate would likely be subject to income tax from the IRS at which point the City would issue a 1099G form to eligible participants.

Mr. Barron advised there were 14 people on the list that had septic tanks. He reviewed the fee per home and the company the city was going to recommend at a future meeting.

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

Item G Approve/Disapprove the Final Plat for 5th Avenue South Unit 2

Director of Planning and Development Heather Ireland noted this was for a five-unit townhouse development. One lot was previously used for commercial building and the adjacent lot was vacant. All the proposed lots met the RM-1 zoning district standards.

Motion: It was moved by Mr. Nichols, seconded by Ms. Golding, to approve the Final Plat for 5th Avenue South Unit 2.

Discussion: None

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

ORDINANCES

Item A Approve/Disapprove Ordinance No. 2021-8168, for Outdoor Seating Amendments on the first reading and schedule a second reading for January 18, 2022

Ms. Ireland stated during the summer of 2021, discussion began regarding changes to the Land Development Code concerning outdoor seating. She reviewed the proposed changes, which were included in the Staff Report.

Mayor Hoffman requested the City Clerk read Ordinance 2021-8168 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 IV. DEFINITIONS, ARTICLE VII. ZONING DISTRICTS, AND ARTICLE VIII, DIVISION 2. SUPPLEMENTAL STANDARDS, TO MODIFY THE LIMITATIONS AND CONDITIONS FOR

**OUTDOOR RESTAURANTS AND BARS; 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. 2021-8168.”

Public Hearing:

Mayor Hoffman opened the public hearing on Ordinance 2021-8168.

The following spoke in support of the ordinance:

- Jason Albertelli, 337 Ahern Street, Atlantic Beach

Ms. Ireland clarified the difference between restaurants and bars.

Mayor Hoffman closed the public hearing.

Ex-Parte:

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 indicated she had no conversations with business owners on this specific issue. Council Member Meza discussed the item with three business owners. Council Members Dumont, Janson, Nichols, and Golding had no ex-parte communications.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding, to approve Ordinance No. 2021-8168, for Outdoor Seating Amendments on the first reading and schedule a second reading for January 18, 2022.

Discussion: Discussion ensued on whether food trucks were included under this ordinance. Ms. Ireland responded food trucks fall under a separate part of the Code. Ms. Golding asked for clarification on Section B. Ms. Ireland clarified the difference in maximum seating in restaurants and bars.

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

Item B **Approve/Disapprove Ordinance No. 2021-8169 on the second reading extending the temporary moratorium on the commercial rental and lease, and use of rented and leased, electric personal assistive mobility devices, micromobility devices, and motorized scooters until April 21, 2022**

Mayor Hoffman requested the City Clerk read Ordinance 2021-8169 by title only, whereupon Ms. Gosselin read the following:

"AN ORDINANCE BY THE CITY OF JACKSONVILLE BEACH, FLORIDA, AMENDING ORDINANCE NO. 2020-8157 WHICH IMPOSED A TEMPORARY MORATORIUM ON THE COMMERCIAL RENTAL AND LEASE, AND USE OF RENTED AND LEASED, ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, MICROMOBILITY DEVICES, AND MOTORIZED SCOOTERS; CONTINUING THE BASIS FOR THE EMERGENCY MORATORIUM; AND EXTENDING THE MORATORIUM FOR FOUR MONTHS UNTIL APRIL 21, 2022."

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. 2021-8169."

Public Hearing:

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

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding, to approve Ordinance No. 2021-8169 on the second reading extending the temporary moratorium on the commercial rental and lease, and use of rented and leased, electric personal assistive mobility devices, micromobility devices, and motorized scooters until April 21, 2022.

Discussion: None

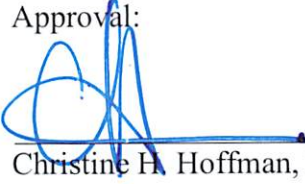
Roll Call Vote: Ayes – Janson, Meza, Nichols, Dumont, Golding, Mayor Hoffman
The motion passed unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:47 P.M.

Submitted by: Sheri Gosselin
City Clerk

Approval:



Christine H. Hoffman, MAYOR

Date: 1/18/22