

**Minutes of Regular City Council Meeting
held Monday, June 6, 2016, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



OPENING CEREMONIES:

Council Member Buck gave the invocation, followed by the salute to the flag.

CALL TO ORDER:

Mayor Latham called the meeting to order at 7:00 P.M.

ROLL CALL:

Mayor: William C. Latham

Council Members: Lee Buck Keith Doherty Christine Hoffman
Bruce Thomason Phil Vogelsang Jeanell Wilson

Also present were City Manager George Forbes, and City Clerk Laurie Scott.

APPROVAL OF MINUTES

It was moved by Ms. Wilson, seconded by Ms. Hoffman, and passed unanimously, to approve the following minutes as presented:

- City Council Workshop held on May 16, 2016

It was moved by Ms. Wilson, seconded by Ms. Hoffman, and passed unanimously, to approve the following minutes, as amended, to reflect on Page 3, the term of Jeffrey Jones will expire on May 16, 2020.

- Regular City Council Meeting held on May 16, 2016

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS:

MAYOR AND CITY COUNCIL

CITY CLERK:

CITY MANAGER:

- (a) **Item #16-391, Reappoint Deborah White to Serve as a Trustee as the Fifth Member on the Firefighters' Retirement System Board.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to reappoint Deborah White to serve as a trustee as the fifth member on the Firefighters' Retirement System Board, new two-year term to expire March 31, 2018.

Mr. Forbes explained these were ministerial acts. For both of these boards, the City Council appoints two members, the employees appoint two members, and those four members appoint a fifth member. These are the fifth member positions for the Police Officers' and Firefighters' Retirement System Boards.

Roll call vote: Ayes – Buck, Doherty, Hoffman, Thomason, Vogelsang, Wilson and Mayor Latham. The motion carried unanimously.

- Reappoint Jacqueline Thomason to Serve as a Trustee as the Fifth Member on the Police Officers' Retirement System Board.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to reappoint Jacqueline Thomason to serve as a trustee as the fifth member of the Police Officers' Retirement System Board, new two-year term to expire March 31, 2018.

Mr. Thomason recused himself from the voting as he is married to Mrs. Thomason. Form 8B is attached and is part of these minutes.

Roll call vote: Ayes – Doherty, Hoffman, Vogelsang, Wilson, Buck, and Mayor Latham. The motion carried unanimously.

- (b) **Item #16-392, Approve the Council Budget Workshop Schedule.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the Budget Workshop Schedule as proposed by the City Manager in a memorandum dated May 26, 2016.

Mr. Forbes stated there were five budget workshops starting with the Council Budget Tour at the end of July and then four additional workshops in August before the budget is adopted.

Roll call vote: Ayes – Hoffman, Thomason, Vogelsang, Wilson, Buck, Doherty, and Mayor Latham. The motion carried unanimously.

(c) **Item #16-393, Approve the Purchase of a Sidewinder Mower and a Contour Rough Mower for the Parks & Recreation Department**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve the purchase of a sidewinder mower and a contour rough mower as described in a memorandum from the Parks and Recreation Director dated May 24, 2016.

Mr. Forbes explained this was for the purchase of two large-type mowers needed for the golf course and other City properties. The current mowers are at least ten years old and have many hours of use.

Mr. Doherty asked if the current equipment would be sold. Mr. Forbes stated it would be sold at auction, and the City would get something back. Mr. Doherty also asked if these mowers were specifically for the golf course so it would get the proper care it deserved. Mr. Forbes answered they would both be used on the golf course and other City properties.

Roll call vote: Ayes – Thomason, Vogelsang, Wilson, Buck, Doherty, Hoffman, and Mayor Latham. The motion carried unanimously.

(d) **Item #16-394, Award Bid Number 1516-12 Roof Replacement and Rehabilitation Projects to:**

- ***McCurdy-Walden, Inc.*, the lowest qualified bidder for the Roof Replacement at the Police Department, and**
- ***Tecta America*, the lowest qualified bidder for the Roof Rehabilitations of the Meter Division and Animal Control Buildings at the O&M Facility.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Bid Number 1516-12 Roof Replacement and Rehabilitation Projects, to McCurdy-Walden, Inc., the lowest qualified bidder for the roof replacement at the Police Department in the amount of \$102,649; and Tecta America, the lowest qualified bidder for the roof rehabilitations of the Meter Division and Animal Control Buildings at the O&M Facility, in the amount of \$141,680, as described in the memorandum from the Property and Procurement Officer, dated March 24th, 2016.

Mr. Forbes stated the City is focusing on the upkeep of City buildings. These bids are for the reroofing of the Police Department Building and rehabilitation of the roof at the

Meter Division and Animal Control Buildings at the Operations and Maintenance Facility.

Mr. Forbes asked Jason Phitides, Property and Procurement Officer, what the warranty would be for the shingles that would be used. Mr. Phitides stated the shingles that will be used would be warranted for 20 years /135mph winds.

Roll call vote: Ayes – Vogelsang, Wilson, Buck, Doherty, Hoffman, Thomason, and Mayor Latham. The motion carried unanimously.

RESOLUTIONS:

Item #16-395 RESOLUTION NO. 1960-2016

Mayor Latham requested that the City Clerk read Resolution No. 1960-2016, by title only, whereupon Ms. Scott read the following:

A RESOLUTION ESTABLISHING CITY COUNCIL POLICY REGARDING APPOINTMENT OF PERSONS TO MEMBERSHIP ON THE BOARD OF ADJUSTMENT, COMMUNITY REDEVELOPMENT AGENCY, AND PLANNING COMMISSION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 1960-2016, establishing City Council policy regarding appointments to the Board of Adjustment, Community Redevelopment Agency and Planning Commission as described in a memo from the City Manager dated May 26, 2016.

Mr. Forbes explained this resolution would:

- Require citizens wishing to apply for a vacancy to complete an application;
- Require current members of a board, agency or commission who wish to be considered for reappointment to complete a new application prior to the end of their current term;
- Require all persons wishing to be considered for appointment or reappointment to be interviewed;
- Require applicants to indicate a primary and secondary choice of board agency or commission on which they are interested in serving;
- Direct the City Clerk to retain applications for a period of two years; and
- Require all terms to expire on December 31st.

Mr. Doherty asked how the implementation of the December 31 expiration date would be done. Mr. Forbes stated with the new policy in place the terms would gradually catch up with the new expiration date.

Roll call vote: Ayes – Wilson, Buck, Doherty, Hoffman, Thomason, Vogelsang, and Mayor Latham. The motion carried unanimously.

ORDINANCES:

(a) Item #16-396, ORDINANCE NO. 2016-8073, (Second Reading – PUBLIC HEARING)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8073 (Second Reading – Public Hearing), by title only, whereupon Ms. Scott read the following:

AN ORDINANCE 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 VII. ZONING DISTRICTS, DIVISION 2, SECTION 34-346. INDUSTRIAL: I-1, PARAGRAPH (d) CONDITIONAL USES TO ADD "CRAFT DISTILLERY" AS SUBPARAGRAPH (11); TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES. (This ordinance would allow craft distilleries in Industrial zoned districts as a conditional use.)

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2016-8073, amending the Land Development Code to add “craft distillery” as a listed conditional use in Industrial: I-1 zoning districts.

Mr. Forbes stated this is the second reading of this ordinance and if adopted the applicant would be able to apply to the Planning Commission for a conditional use permit to operate a craft distillery. [A craft distillery is defined as a distillery that produces less than 75,000 gallons of spirits.]

Mayor Latham opened the Public Hearing.

Seeing no one coming forward to speak, Mayor Latham closed the Public Hearing.

Roll call vote: Ayes – Buck, Doherty, Hoffman, Thomason, Vogelsang, Wilson and Mayor Latham. The motion carried unanimously.

(b) Item #16-399, ORDINANCE NO. 2016-8077 (First Reading - PUBLIC HEARING)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8077 (First Reading), by title only, whereupon Ms. Scott read the following:

AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT ORDINANCE NO. 7411, AS AMENDED, 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. (*Home Depot, South Beach Regional Shopping Center - This ordinance would allow for the outdoor storage and display of merchandise at the Home Depot store.*)

Mayor Latham read the following statement for the record:

“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 Latham opened the public hearing on Ordinance No. 2016-8077 and asked if the applicant or their agent was present and if they would like to make a presentation.

Speakers:

Kevin Hollenbeck, 9745 Touchton Road, Jacksonville, representing Equity One, owner of South Beach Regional Shopping Center, stated he took over managing the property in 2014 and was unaware of the outdoor display restrictions. Home Depot is in compliance today as well as the rest of the center.

Edward Allen, 1430 W. Peachtree Street, Suite 200, Atlanta, representing Greenberg Farrow Architecture Firm, stated his company serves as Home Depot's owner representative. Mr. Allen explained that:

- Home Depot's presence has spurred the redevelopment of South Beach Regional Shopping Center.
- Home Depot was physically constrained by the square footage limits within the South End DRI.
- Despite having a relatively small store, Home Depot has been able to meet increased demand from a growing local population.
- Outdoor sales are vital to continuing to meet customer's needs and expectations in its present location.

Mr. Allen submitted to the City Clerk a letter to the editor of The Beaches Leader in support of outdoor display of items. [attached]

The following people filled out speaker cards and are in favor of Ordinance No. 2016-8077. However, they did not wish to address the Council:

- Amanda Geeting, 13157 Blackhawk Trail Court, Jacksonville.
- Stu Davis, 9825 Gate Parkway North, Apt. #3104, Jacksonville.
- Judy West, 1464 Camelia Street, Atlantic Beach.
- Reshma Maraj, 78 Naugatuck Drive, Jacksonville.
- Phil Dinnielli, 1149 Sandpiper Lane, Atlantic Beach.
- Connie Dawson, 402 Lower 8th Avenue South, # 1, Jacksonville Beach.
- Cheryl Miller, 1910 Penman Road, Jacksonville Beach.

The following people filled out speaker cards and spoke in favor of Ordinance No. 2016-8077:

- Daniel Leary, 3105 Coral Reef Drive, Jacksonville.

- Brian Bidwell, 1512 Marshside Drive, Jacksonville Beach.
- Jon McGowan, 5 North 17th Avenue North, Unit 401, Jacksonville Beach.

The following filled out a speaker card and spoke in opposition of Ordinance No. 2016-8077:

- Kathleen Gall, 4059 Palm Way, Jacksonville Beach.

Bill Mann, Planning and Development Director, stated when the shopping center was approved in 1989 there was a restriction on outdoor display for the entire shopping center.

Mayor Latham closed the Public Hearing.

Ex-Parte Communications

Mayor Latham read the following statement for the record:

“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 Latham announced Dick Matthews contacted him in support of Ordinance No. 2016-8077.

The Council Members all stated they had no *ex-parte* communications regarding this item.

Mayor Latham 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.”

Mayor Latham asked for a motion to approve the ordinance as read by title.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2016-8077, amending Ordinance No. 7411, as amended,

governing the South Beach Regional Shopping Center, to allow the outside display and storage of merchandise within the Home Depot parcel of the center.

Discussion:

Ms. Wilson stated that when the shopping center was originally approved, it was passed based on the fact there would not be any outdoor display of merchandise. She asked if this ordinance applied to Home Depot only. Mr. Forbes confirmed it was for Home Depot only. He stated if the Council approves the ordinance, it would allow for the outdoor storage and display of merchandise at the Home Depot store and the storage of pallets at the back of the store.

Mr. Mann commented that if any materials were displayed under the canopy it would have to be fully fire sprinklered, which is a Building Code requirement.

Ms. Wilson commented that as this ordinance only applies to Home Depot, it would be discriminatory to the other stores in the shopping center. The citizens were made a promise and to let one store display merchandise would be a problem.

Mr. Doherty asked why the Planning Commission denied the application.

Georgette Dumont, 507 16th Avenue South, Jacksonville Beach, a member of the Planning Commission, stated that the Planning Commission unanimously denied the application. The applicant did not have a site plan for their outdoor displays or the storage in the back or state that there would not be storage in the loading area. Ms. Dumont commented the application did not clarify it was only for Home Depot. The Planning Commission was uncomfortable with the format of the application.

Mr. Thomason asked Mr. Hollenbeck if the request is to authorize Home Depot to have outdoor displays and exclude the other businesses in the shopping center. Mr. Hollenbeck answered yes, and there are only four tenants that have been displaying items in front of their stores. Home Depot is the only store where it is considered vital to the operation of the store.

Mayor Latham stated this was the first of two readings of this ordinance. He also asked about the storage of the pallets in the back of the store.

Michael Edenfield, 3609 Ernest Street, Jacksonville, Store Manager of Home Depot, stated that mulch comes in 20 pallets on a truck, and the store can only hold three. Mr.

Edenfield stated that to satisfy the demand; the pallets need to be rotated in. He cannot store it in front of the store as it will create a safety hazard.

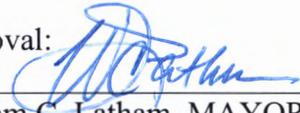
Roll call vote: Ayes – Doherty, Hoffman, Vogelsang, Buck, and Mayor Latham.
Nays - Thomason and Wilson.
The motion passed 5-2.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:30 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date:

6/20/16