

**Minutes of Regular City Council Meeting  
held Monday, June 17, 2019, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**

**OPENING CEREMONIES:**

Mayor Latham requested everyone to stand to observe a moment of silence to honor Beaches community member Mick Durocher who passed away on June 9, 2019, 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: Keith Doherty      Georgette Dumont      Sandy Golding  
Christine Hoffman      Cory Nichols      Phil Vogelsang

Also present were City Manager Mike Staffopoulos and Acting City Attorney Denise May.

**APPROVAL OF MINUTES:**

**Motion:** It was moved by Ms. Hoffman, seconded by Mr. Vogelsang, and passed unanimously, to approve the following minutes:

- Council Workshop held on June 3, 2019
- Council Briefing held on June 3, 2019
- Regular Council Meeting held on June 3, 2019

**ANNOUNCEMENTS:**

Mr. Vogelsang announced he attended the introduction for new city council members in Jacksonville, which included ethics training. He requested the City Manager find out if Jacksonville Beach could utilize the City of Jacksonville's Ethics Commission to obtain opinions. Mr. Vogelsang stated the ethics attorneys in Jacksonville advised it is not a violation of Sunshine Law for Council members to speak directly to Board members.

Ms. Hoffman stated she attended a Trailblazer event at the Rhoda L. Martin Cultural Heritage Center, where they honored six men in the Community. She also noted the Center would begin to have hours where they are open to the public, where people can go in and see the old Jacksonville Beach elementary schoolhouse.

Ms. Dumont stated the Citizen Police Academy is currently recruiting for the next class. She mentioned the sea oats are tentatively scheduled to be planted at the county line and working its way north beginning on June 21, 2019.

Ms. Golding stated she also attended the ethics training in Jacksonville. She thanked Mayor Latham for speaking at the Beaches Watch meeting about the Florida Legislative Session. Ms. Golding announced Animal Control Officer Kelsey Eberle had resigned and thanked her for her work.

Mr. Nichols stated he attended the ethics training in Jacksonville as well. He also wanted the City to look at getting an agreement to utilize them as a resource. Mr. Nichols attended the Jacksonville Tree Commission and explained a pilot program to plant trees, and he believed Jacksonville Beach would be included in the program.

**COURTESY OF THE FLOOR TO VISITORS:**

- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach, thanked Public Works Director David Millinor, Street Superintendent David McDonald, Street General Supervisor Pat Deighan, and the rest of the stormwater management team related to stormwater work done in the Ocean Cay community.
- Jon McGowan, 5 North 17<sup>th</sup> Avenue #401, Jacksonville Beach, spoke about the Sunshine Law and potential ethical concerns associated with exerting undue influence over boards. Mr. McGowan also spoke about the Jacksonville Housing Authority Waves project.
- Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach, asked Council members to draft and pass a resolution protecting the property rights of residents. Mr. Sorrell referenced a solicitation he received about using his property as a vacation rental [on file].
- Tony Komarek, 533 11<sup>th</sup> Avenue South, Jacksonville Beach, spoke about short term rentals, the proposed ordinance, and the requirements for running a vacation rental business.

Mayor Latham responded to Mr. Komarek's comments by explaining work has been done on this issue including working with the legislature, meeting with residents who have been negatively affected, holding a Town Hall meeting with Senator Aaron Bean and Representative Cord Byrd, and fighting to maintain Home Rule.

**MAYOR AND CITY COUNCIL:**

Mayor Latham recognized two Employees of the Quarter. Customer Service Representative II Susan Kyle from the Utility Billing Division and Park Maintenance Supervisor Mark Chouinard from the Parks & Recreation Department were presented with Employee of the Quarter pins.

**CITY CLERK:**

**CITY MANAGER:**

**Item #19-095 – Approve the Monthly Financial Reports for the Month of May 2019**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to accept the financial reports for the month of May 2019, as submitted by the Chief Financial Officer.

**Roll Call Vote:** Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham  
The motion passed unanimously.

**Item #19-096 – Appoint One Alternate to the Board of Adjustment**

**Motion:** It was moved by Ms. Golding and seconded by Mr. Doherty, to nominate Dan Janson for appointment as an Alternate on the Board of Adjustment to fill an unexpired two-year term expiring on December 31, 2019.

**Roll Call Vote:** Ayes – Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham  
The motion passed unanimously.

**Item #19-097 – Appoint One Member to the Planning Commission**

Mayor Latham inquired if the Council was filling the seat vacated by the election of Ms. Dumont to the City Council or if they would move an Alternate up and then pick a new Alternate. City Clerk Laurie Scott responded it would be the choice of the Council.

**Motion:** It was moved by Mr. Nichols to nominate Sean Shapiro for appointment to the Planning Commission.  
Motion failed due to the lack of a second.

**Motion:** It was moved by Ms. Golding, seconded by Mr. Doherty, to move 1<sup>st</sup> Alternate Jon Scott Walker to the position of Member on the Planning Commission, to fill the unexpired four-year term expiring December 31, 2020.

**Roll Call Vote:** Ayes – Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham  
The motion passed unanimously.

**Motion:** It was moved by Ms. Dumont, seconded by Ms. Golding, to nominate Colleen Murphy White to the position of 1<sup>st</sup> Alternate on the Planning Commission, to fill the unexpired four-year term expiring December 31, 2020.

Mr. Nichols commented on the good group of candidates on the list, and with board openings coming up, he hoped they could get put on boards soon.

Ms. Golding spoke about participating in the interview process and hoped to find a way to get more citizens interested in applying for boards. Ms. Golding stated she appreciated Ms. White had previously served on a Pension Board. Mayor Latham added Ms. White selected the Planning Commission as her first board choice.

Ms. Hoffman stated she was pleased with the quality and number of applications received.

Ms. Dumont stated she was also pleased with the quality of the candidates and mentioned the Council would be creating a new board tonight where some of these candidates may be able to serve.

Mr. Nichols brought up candidates for reappointment to boards were supposed to be reinterviewed, and it did not happen this time. Mayor Latham explained Mr. Walker is still an active member of the Planning Commission with tenure left in his term, which is why he was not required to be interviewed.

Mr. Doherty stated the board members need to be made aware of the rules, adding there are board members who think they can't talk to their elected representative.

**Roll Call Vote:** Ayes – Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, Mayor Latham  
Nays – Nichols

The motion passed 6-1

**Item #19-098 – Determine Whether a Violation of the City Charter has Occurred in Accordance with the City Attorney Memo Dated May 3, 2019**

Mr. Staffopoulos explained the Council had requested this item be put on the agenda for formal consideration. He summarized this issue arose from a memo from City Attorney Susan Erdelyi in May of 2019, indicating a potential conflict with Charter language Section 30 by Mr. Vogelsang in particular to two issues that occurred relating to the Police Department last year and the Fire Department this year. This item is for Council to make a final determination as to whether or not there was any type of violation of the Charter, and if so, what the appropriate action should be. Mr. Staffopoulos explained only the Council has the authority to make interpretations and make final decisions as to the Charter language as it reads.

Mr. Staffopoulos presented the option of two motions for consideration. The first motion option would determine there was no violation of the City Charter. The second motion option would determine there was a violation of the Charter with the appropriate action to be determined by the Council.

Mr. Vogelsang spoke and referenced a copy of an opinion from the Ethics Commission he provided to the Council [on file] on an issue in another jurisdiction with the same charter language as Jacksonville Beach. He stated he was supportive of sending the issue about discussions he had to the Ethics Commission for review to determine if there was any violation, which he was confident there was none. He also favored discussion on a Code of Conduct.

Discussion ensued. Ms. Golding stated Mr. Vogelsang's case appears to be different than the case presented in the Ethics Commission opinion. Mr. Doherty said the Charter language does need to be clarified. He believes it is okay to speak to employees, as long as a Council member does not direct them to do something, and he does not believe that happened. Ms. Dumont stated in the context of the larger Charter, you have to look at what the average person who would be in this role understands is right and wrong in communicating with employees. She said the average person would consider an inquiry to be asking questions about basic information, and not an inquiry that would involve decision making on the employee's part. Ms. Dumont explained she

does not believe there was a severe violation of the Charter but does think it does need to be addressed with some kind of sanction.

**Motion:** It was moved by Ms. Dumont, seconded by Ms. Golding, to censure Council Member Vogelsang for violation of Section 30 of the Jacksonville Beach City Charter.

**Roll Call Vote:** Ayes – Dumont, Golding, Mayor Latham  
Nays – Nichols, Doherty, Hoffman  
Abstain - Vogelsang  
The motion failed 3-3

Discussion continued. Mr. Doherty stated he did not believe Mr. Vogelsang violated the language in Section 30 of the Charter. Ms. Golding stated she thinks all Council members should go through the City Manager first. Mr. Vogelsang stated there needs to be a means to communicate with City employees, and it may be addressed in a Code of Conduct or policy. Mayor Latham agreed the Charter language is outdated. He stated the Council has to deal with not just any wrongdoing, but a perception of wrongdoing.

**Motion:** It was moved by Ms. Hoffman, seconded by Mr. Doherty, to determine that Council Member Vogelsang's actions, as outlined in the City Attorney's May 3, 2019, memorandum do not violate the City Charter.

**Roll Call Vote:** Ayes – Doherty, Hoffman, Nichols  
Nays – Dumont, Golding, Mayor Latham  
Abstain - Vogelsang  
The motion failed 3-3

Ms. May responded to a question to clarify both motions failed, which means "the issue is dead."

**Item #19-099 – Award Bid Number 1819-10, Chlorine and Sulfur Dioxide – 12 Months Requirement to Allied Universal Corporation**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to award Bid Number 1819-10, Chlorine and Sulfur Dioxide – 12 Months Requirement to Allied Universal Corporation.

Mr. Staffopoulos stated this is to purchase chemicals used in the water and wastewater treatment systems. Ms. Golding advised she took a tour of the Wastewater Treatment Plant and learned why these chemicals are needed.

**Roll Call Vote:** Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham  
The motion passed unanimously.

**Item #19-100 – Award Bid Number 1819-13, General Contract for Modifications to Butler Substation to J. L. Malone Contracting LLC**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to award Bid Number 1819-13 General Contract for Modifications to Butler Substation to the lowest responsive, responsible bidder, J. L. Malone Contracting, LLC.

Beaches Energy Services Director Allen Putnam explained this substation was placed in service around 1992. This type of equipment is generally replaced every 20-30 years. Mr. Putnam answered questions related to the discrepancy in bid prices and if the low bidder had previously done work for the City.

**Roll Call Vote:** Ayes –Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham  
The motion passed unanimously.

**Item #19-101 – Award Bid Number 1819-14 120/208V, 1500kVA, Distribution Transformer to Wesco Distribution**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to award Bid Number 1819-14 120/208V, 1,500 kVA, distribution transformer to the lowest, responsive, responsible bidder, Wesco Distribution, as explained in the memorandum from the Director of Beaches Energy Services dated June 5, 2019.

Mr. Putnam explained a routine inspection found they did not have a transformer of this size in inventory. He stated some of the new development would require this size transformer, so they went out to bid.

**Roll Call Vote:** Ayes –Golding, Hoffman, Nichols, Vogelsang, Doherty, Dumont, Mayor Latham  
The motion passed unanimously.

**Item #19-102 – Approve a Purchase of Emergency Replacement, Testing and Commissioning of Two (2) 230 kV Substation Breakers (8W138 and 8W143) and Associated Equipment in the Amount of \$142,610 Plus a Ten (10) Percent Contingency**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the replacement, testing and commissioning of 230 kV breakers at Sampson Substation at a cost of \$142,610, plus a 10% contingency, for a total cost not to exceed \$156,871.

Mr. Staffopoulos stated there were breakers that failed at Sampson Substation that placed the system in jeopardy if any of the circuits tripped, which leave only one feed coming into our system. The emergency authorization to purchase was given at that time.

**Roll Call Vote:** Ayes –Hoffman, Nichols, Vogelsang, Doherty, Dumont, Golding, Mayor Latham  
The motion passed unanimously.

**Item #19-103 – Approve the Purchase of a Trimax Snake Mower 320 from Global Turf for \$34,504.55 as the Sole Source Provider for Trimax Mowing Systems**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to approve the purchase of a Trimax Snake Mower 320 from Global Turf for \$34,504.55 as the sole source provider for Trimax Mowing Systems.

Golf Course Superintendent Trevor Hughes explained the current mower is used to mow most of the golf course and it is unreliable. He stated the current mower mows approximately 60 of the 80 acres at the golf course. Besides being unreliable, there is too much downtime, it is not easy to maintain, and it damages turf when the belts or tires lock up. The Trimax does not have all the belts and pulleys, it is a fixed shaft and has a proven history of dependability, and it comes with a three-year warranty. Mr. Hughes stated it would last ten years. It would also be used to mow the fields at Wingate Park.

Council members expressed concern about the cost and the fact the current mower was just purchased in 2014. Mr. Hughes answered questions about the difference in the width of the two mowers, other mower options, why the cost is being split between the golf course and Parks budget and stated the current mower would be traded in for \$3,000. Director of Parks & Recreation Jason Phitides agreed to find out how much the current mower cost in 2014. Mr. Phitides explained the downtime on the mower affects both the golf course and the parks. Mr. Staffopoulos stated the golf course is an Enterprise Fund; it would not be appropriate to place more of the burden within the Enterprise Fund than is currently being utilized. Mr. Doherty suggested possibly in the future to budget for a mower for the golf course and another mower for Parks & Recreation. Mr. Staffopoulos stated he asked Parks and Recreation and the golf course for a business plan for the next two to three years. Ms. Dumont stated when the golf course first reopened, there was a discussion about possibly putting back the money into the general fund from the investment that went into the improvements.

**Roll Call Vote:** Ayes –Nichols, Vogelsang, Doherty, Dumont, Golding, Hoffman, Mayor Latham  
The motion passed unanimously.

**RESOLUTIONS:**

**ORDINANCES:**

**Item #19-104 – ORDINANCE NO. 2019-8119 (Second Reading) (Public Hearing)**

Mayor Latham requested the City Clerk read Ordinance No. 2019-8119 by title only, whereupon Ms. Scott read the following:

**“AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH,  
FLORIDA, ENACTING AND ESTABLISHING A DECISION**

**MAKING AND ADMINISTRATIVE BODY TO BE KNOWN AS THE BUILDING AND FIRE CODE BOARD OF APPEALS FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY AMENDING CHAPTER 10. FIRE AND LIFE SAFETY, ADDING ARTICLE V. BUILDING AND FIRE CODE BOARD OF APPEALS; PROVIDING FOR FINDINGS AND INTENT; PROVIDING DEFINITIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.”**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance 2019-8119 amending Chapter 10, Fire and Life Safety, adding a new article and section providing for the creation of the Building and Fire Code Board of Appeals to the code of the City of Jacksonville Beach as presented.

Mr. Staffopoulos explained this is a new board created by the City and would serve as the Board of Appeals for both the Building Division as well as the Fire Department for the enforcement of life safety regulations if the City moves forward with a Short Term Rental ordinance. The need for this board came about when drafting the Short Term Rental ordinance. There is a requirement in the Fire Code to have an appeals process in the event there is a contestation to a determination made by the Fire Marshal. It also can happen in the Building Division.

Discussion ensued related to how the board would be used. Ms. May explained when the Fire Code and the Building Code conflict, or when a contractor doesn't agree with a decision related to the Fire Code or Building Code, they can go before the board. Interim Fire Chief Steve Sciotto explained the board would not have the option to waive the Code as they are State Codes.

**Roll Call Vote:** Ayes –Vogelsang, Doherty, Dumont, Golding, Hoffman, Nichols, Mayor Latham  
The motion passed unanimously.

**Item #19-105 – ORDINANCE NO. 2019-8120 (First Reading) (Public Hearing)**

Mayor Latham requested the City Clerk read Ordinance No. 2019-8120 by title only, whereupon Ms. Scott read the following:

**“AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT: RD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.”**

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance 2019-8120 establishing a Redevelopment District: RD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City.

Mr. Staffopoulos explained this is a rezoning that would be required based on a proposed redevelopment in the downtown area. Director of Planning & Development Bill Mann stated the applicant wished to address the Council.

Alex Grace, 8641 Seven Lakes Drive, Ooltewah, Tennessee, representing the applicant, provided an overview of the proposed project. It would be a 136-room Springhill Suites by Marriott Hotel.

Mayor Latham 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.”

**Public Hearing:**

Mayor Latham opened the public hearing on Ordinance No. 2019-8120.

The following people spoke in opposition to the agenda item:

- Chelsea Tyrrell, 836 15<sup>th</sup> Avenue North, Jacksonville Beach
- Robert A. Ellenwood, 208 12<sup>th</sup> Avenue North, Jacksonville Beach
- Dr. Joseph Boulter, 320 1<sup>st</sup> Street North, Unit 906, Jacksonville Beach

- Taylor Williams, 208 12<sup>th</sup> Avenue North, Jacksonville Beach
- Valerie Thomas, 320 1<sup>st</sup> Street North, Jacksonville Beach
- Savannah Cotton, 530 Barbara Lane, Jacksonville Beach
- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach

Ms. May advised this is part of the consolidated settlement on the height referendum. The lawsuit was settled in 2010 with the following terms:

- That the building height be allowed at 56 feet;
- That the development, if it exceeded 50,000 square feet or the 50 feet in height, it shall be processed under the provisions of 34-347 for the RD district; and
- It must be under the code as it existed in 2010

This defines the criteria the Council must apply.

Mr. Mann reiterated this is the subject of a court order and redevelopment zoning is required for any use of the property which exceeds 50,000 square feet, so it is per court order.

Steve Diebenow, One Independent Drive, Suite 1200, Jacksonville, the applicant's land use attorney, responded to comments from the public.

Mayor Latham 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.”

Mayor Latham stated he received an email and followed up with a phone call to Mr. Diebenow to talk about the project in general.

Mr. Nichols stated he spoke with Mr. Diebenow.

Ms. Dumont stated she spoke with Mr. Diebenow on June 11, 2019, at Panera, and discussed the plans, the legal aspects, and parking.

Mr. Vogelsang stated he spoke with Mr. Diebenow to get a better understanding of the project.

Ms. Hoffman stated she met with Mr. Diebenow for a general overview of the project and the opportunity to ask questions.

Mr. Doherty stated he met with Mr. Diebenow on June 14, 2019, to ask questions about the project.

Ms. Golding stated she received an email from Mr. Diebenow and also spoke on the phone about the project. Ms. Golding also received an email from Derek Harmon [402 7<sup>th</sup> Avenue North, Jacksonville Beach] in support of the project, and an email from Meade Copland, [320 1<sup>st</sup> Street North, Suite 770, Jacksonville Beach] regarding a rooftop garden she would like on the building.

Mayor Latham requested the motion to be re-read.

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance 2019-8120 establishing a Redevelopment District: RD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City.

**Discussion:** 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.”

Mr. Vogelsang stated he believes this is a positive project for the community and it aligns with his vision of the downtown, including bringing people downtown which would make it a more family-friendly environment outside of the current bar scene. The project will pay into a fund that can be used to potentially build a parking garage and bring in tenants such as retail and restaurants.

Mr. Doherty stated the parking problem falls on the City and property owners cannot be penalized for adhering to City codes. He had concerns about parking, trash pickup, and employee safety. He reiterated this project falls under a court settlement.

Mr. Mann answered questions related to dumpster service. Mr. Diebenow answered questions about who runs the restaurant, how the retail will be determined, parking for guests and employees, and trash pickup. In response to a question from Mr. Doherty, Mr. Mann identified the remaining properties with vested rights.

Mr. Mann answered questions from Ms. Dumont about the standards in place in 2010, requirements for open space. Ms. Dumont had concerns with parking for employees, safety issues with cars coming into the property to park, and the design.

Mr. Diebenow answered questions from Ms. Golding related to the restaurant and the Comprehensive Plan element. Mr. Mann responded to a question about floor area ratio.

Mayor Latham stated this is the first reading of the ordinance. The second reading would take place on July 15, 2019.

**Roll Call Vote:** Ayes – Doherty, Dumont, Golding, Hoffman, Nichols, Vogelsang, Mayor Latham  
The motion passed unanimously.

**Item #19-106 – ORDINANCE NO. 2019-8121 (First Reading) (Public Hearing)**

Mayor Latham requested the City Clerk read Ordinance No. 2019-8121 by title only, whereupon Ms. Scott read the following:

**“AN ORDINANCE 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.”**

Mayor Latham read the following:

“This ordinance for the rezoning of 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 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.”

**Public Hearing:**

Mayor Latham opened the public hearing on Ordinance No. 2019-8121.

The following people spoke in opposition to the agenda item:

- Justin Rawls, 403 12<sup>th</sup> Avenue South, Jacksonville Beach [speaker’s comments were referencing HUD housing not the PUD in this agenda item]

Gabe Bow, 354 Royal Tern Road, Ponte Vedra, representing the applicant, explained the project is in response to the need for senior housing. There is a waiting list of 300 seniors for housing. Mr. Bow gave an overview of the project. Mr. Mann explained if the use ever changed from senior housing to market housing, the parking would have to be addressed at that time.

Mayor Latham 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.”

There was no ex parte communication.

**Motion:** It was moved by Ms. Hoffman and seconded by Mr. Vogelsang, to adopt Ordinance 2019-8121 establishing a Planned Unit Development: PUD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City.

**Discussion:** 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.”

Ms. Golding expressed appreciation for housing provided to seniors. Melissa Gilreath, 101 Palmera Court, Ponte Vedra Beach, answered questions about the cost for the housing, how much of the housing is subsidized,

Ms. Dumont stated she is happy there is affordable senior housing at the beach.

**Roll Call Vote:** Ayes –Dumont, Golding, Hoffman, Nichols, Vogelsang, Doherty, Mayor Latham  
The motion passed unanimously.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 10:11 P.M.

Submitted by: Laurie Scott  
City Clerk

LS/sg

Approval:

  
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William C. Latham, MAYOR

Date: 7/15/19