

**Minutes of Regular Community Redevelopment Agency
Meeting held Monday, July 20, 2015, at 5:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

The meeting was called to order by Chairperson Grady Kearsy at 5:00 P.M.

ROLL CALL

Grady Kearsy, Chairperson
Rick Knight
Cory Nichols
Frances Povloski- Absent
Lynn Varnadoe

Also present were Steve Lindorff, Administrator, Trish Roberts, Deputy City Manager, Marty Martirone, City Engineer, Bill Mann, Director of Planning and Development, and Chandra Tolman, Recording Secretary.

APPROVAL OF MINUTES

It was moved by Mr. Nichols, seconded by Lynn Varnadoe, and passed, to approve the minutes of the April 27, 2015, meeting as submitted.

OLD BUSINESS

None

NEW BUSINESS

- 4(a) Resolution No. 2015-04** – Recommending that the Jacksonville Beach City Council Amend the Community Redevelopment Plan for the Jacksonville Beach Downtown Redevelopment Area, as Previously Amended, according to the Requirements of the Community Redevelopment Act of 1969, by Adding New Project Elements, as Identified in Exhibit A. *2015 Downtown Action Plan*, to the Downtown Community Redevelopment Plan, and for Other Purposes.

Mr. Lindorff stated that the members reviewed Exhibit A and saw a slide show that described the proposed additions to the Plan. He stated this is the first major amendment to the Plan since 2007, when the Downtown Vision Plan was adopted. Those amendments continue with the work we are currently in design and intended to greatly improve and enhance the infrastructure south of Beach Boulevard. After Board Member Nichols, in 2013, urged the Board to review the existing plan, a team of City staff members met regularly over the last eighteen months to create a comprehensive approach to elevating the quality of life in our downtown area based survey responses and input from citizens' meetings.

Motion: It was moved by Mr. Nichols and seconded by Mr. Knight to bring this agenda item to the floor for discussion.

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Discussion: Mr. Knight stated he believes that any master plan requires fine-tuning and readjustment and that this is a great adjustment to the plan and is in support of the proposed modifications. Mr. Nichols stated he is in agreement with most of the plan but there are a couple minor issues and one major one; he stated a lot of the plan is for the City as a whole, not just directed at the downtown business district. He has concerns with sections under Public Safety, the Commercial Spaces and Business Development portion. These sections will cause the restaurants to close at midnight and not allow them to move their tables and chairs to allow for dancing and socialization. He believes these issues should not be brought before the Board because it is an ordinance change that would need to be made and it is a highly controversial issue. Including these sections in the proposed amendments and approving it through our Board to businesses that do pay taxes towards our TIF funding and allowing it to go through this process where we approve it to the City Council and the Council approves it, giving tacit approval and disenfranchising the public from being able to voice their opinions prior to approval by the Council. These changes do not have any place in this City Action Plan.

He stated he wished to remove these sections of this plan before we approve it. Mrs. Varnadoe asked for clarification on the sections.

Mr. Nichols stated Section C.1(e), "Change the alcohol ordinance to prohibit restaurants from removing tables and chairs to become nightclubs" Section C.1(f), "Consider modifications to the regulations governing the hours of operation for restaurants with 4-COP-SRX beverage licenses". The intention is to close those businesses early which would be detrimental to local musicians and the restaurants that operate during those times. There is a process to make those changes and this is not the right starting point for these changes. If these changes are made, it could put some existing restaurants out of business and the changes should not be in this action plan.

Mr. Nichols asked how he can make a recommendation at this time to make an adjustment to this action plan or to not vote to approve it. He asked if there is a manner that we can approve a revised edition of this at this time.

Mr. Lindorff stated when the motion was made for discussion purposes, there is not a motion on the floor that can be amended in the manner that Board Member Nichols is suggesting. Mr. Lindorff explained that the chairperson has the authority to interpret the motion and the second to mean that it is on the table now for discussion and approval; that then would allow any member of the board to make a motion to amend the motion to approve by deleting those two items.

Mr. Kearsey revisited the original motion and requested a motion to approve and a second to approve the resolution as submitted.

Motion: It was moved by Mr. Knight and seconded by Mrs. Varnadoe to approve CRA Resolution No. 2015-04, recommending that the Jacksonville Beach City Council amend the

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Community Redevelopment Plan for the Jacksonville Beach Downtown Redevelopment Area, as previously amended, according to the requirements of the Community Redevelopment Act of 1969, by adding new project elements, as identified in Exhibit A. *2015 Downtown Action Plan*, to the Downtown Community Redevelopment Plan, and for other purposes.

Amended Motion: An amended motion was made by Mr. Nichols to adjust the Plan to remove Sections E and F out of the Public Safety section of the Downtown Action Plan. Motion failed for lack of a second.

Discussion: Mr. Nichols stated he would like the Public to have an opportunity to speak on this issue before the board members vote on it.

Public Hearing: Although the motion did not receive a second, Mr. Kearsy opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the agenda item.

John Valentino, 1730 Dogwood Place, stated he is the owner of the Jacksonville Beach *Mellow Mushroom* restaurant and intends to build another food establishment on the corner of Beach Boulevard and 3rd Street South. The proposed structure will be a two-tenant building. He thinks that everybody wants us to be a family-friendly beach and community. He stated he has a family-friendly restaurant and would like to accommodate everyone but it is very unfortunate that there is a certain demographic of people that live amongst this community that make things harder on others than it should be. We all know who those people are, whether it is the people that were cruising the streets and then we had the pay to park to try to get rid of them, etc. His primary business is lunch and dinner and then we have late night. There is not a significant portion that is late night but it is enough for me to get involved and let everyone know here and at City Council that it is my intention to make that part of the ordinance not happen. We go to banks, we borrow money, we draw up proformas, we get those underwritten and it is all based on sales. You can say that I do not need the sales after midnight but it is really not for you to say. If you look at what happened to the corner of 9th and 3rd Street before I moved in or that building before I moved in when it was a wicker furniture mattress factory and then the center across the street, the only tenants they could get were tattoo parlors and tanning salons and it was pretty junkie. Now look at it or look at our building or look at *Salt Life* and look how restaurants do appreciate the neighborhood. He thinks property values are up and all of those things are important and just because in the CBD there are certain establishments, whoever those problem people are, that is not my problem but I feel as though because I opened a business on 10th and 3rd or I want to open one up at Beach and 1st and our primary business is to sell food and we adhere and abide by all the state liquor and alcohol laws, we meet the percentage sales requirements, we meet the seating requirements. Why do we want to try to change the rules based on a small percentage of the people that unfortunately make things worse for the rest of us. I have been here for a long time and I have seen it tried to

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be change in different ways and I feel for the Police and the number of service calls they have to make. When you look at the number of service calls to certain establishments versus those of us that abide the rules and play by the rules, I do not see how we should be victims of that situation. I do not think if you change the hours it is not going to stop them; the people are not going to move away, they are just going to do it at an earlier hour. This is a great community and I do intend to open another business and I hope that you do not vote to do this because it is just going to go on and on, to the Council. There will probably be legal action and I do not know that is what you want to do. I agree with Mr. Nichols, slipping this in as the thing we are going to do and vote and go on to the next step. I am not really sure that that is right thing to do and I think that is the point he is trying to make to the Board.

Steve Diebenow, 1 Independent Drive, Suite 1200, stated he is here on behalf of a couple of businesses. He stated one of the interesting things about the Jacksonville Beach code is that when you have a conditional use permit for an establishment that serves liquor or beer, whenever there is a change of ownership, you have to go back through that process through the City of Jacksonville Beach, which is very unique. You have a whole host of businesses right now that are operating with certain rights and if legislation like that which was just discussed get adopted, you have a whole segment of business that will be operating legally but they will operating as a non-conforming use so that when they come back for a conditional use permit, if the property were to change hands and ownership were to change hands, that actual will dramatically impact the value of their business and also the value of their property because the operational opportunities are dramatically changed. This is not a change that should be made lightly. This is one that really should be thoughtfully considered whether it happens at this level or whether it happens at the City Council level. I am really glad that you guys are talking about it because it is not the kind of issue that can go in and remain unnoticed. The thing that folks are most challenged by are really the enforcement issues. John talked a little bit about that. If there are businesses that are operating with SRX licenses but they are not behaving or acting like and SRX business then they should not be allowed to continue. There are mechanisms for those enforcement actions to take place. If there is an establishment that is not garnering 50% of their revenue from food but they have an SRX license and the majority of their revenue is coming from beer or wine and liquor then they should face the consequences of that. There are lots of other ways to regulate this issue besides the one that is before you. For example you could mandate in your code or what is before you, you could add a requirement that food has to be served until later in the evening; so rather than just ending everything at midnight you could require that the kitchen stays open and that the establishment offer a full menu of food or you could ask the state to enforce against the folks that are not acting appropriately. There are lots of other options and lots of other opportunities. I appreciate you guys talking about it a little bit this evening. Just realize that whatever action you take this evening, if it moves on to the next level it is going

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to have a dramatic impact on the values of business that have been in Jacksonville Beach a long, long time; that is worth noting.

Mr. Knight stated whether or not we act on this, pass or fail it, the City Council can still make those changes. He does not know why there is so much concern at this level; this is just a broad plan and we are giving the City an opportunity. We can strike those two things and they can still do them. They have that right; they are elected by the citizens. If we turn this down because of those things, it does not matter. They can do them as soon as they put it on their agenda and advertise them, they can change them in the legal amount of time.

Mr. Nichols does not agree that it does not matter because if we approve this, this shows that we as a Board approve this whole plan.

Mr. Knight stated he approves the whole plan.

Mr. Diebenow added that he thinks what Mr. Knight is seeing is a reflection of the importance of this issue on at least three local businesses and maybe a fourth as well that has yet to be built. We appreciate you taking our testimony and for the record we hope that City Councilors will see our comments on the records. We appreciate Mr. Nichols bringing this up before the Board; it is an important issue and obviously it is controversial but your comments are very well founded.

Mr. Kearsy wanted to ensure that everybody read the first word under Complementary City Actions and it says 'consider'. That is what we are recommending; we are not recommending that it be done, we are recommending that they consider it.

Mr. Nichols stated that he would like make a separate motion to see if there was a second for the amended motion after the Public had an opportunity to speak. Mr. Kearsy denied Mr. Nichols request to entertain an amended motion.

Vote: After no additional discussion, a voice vote for the original motion resulted in the following:
Ayes-Kearsy, Knight, Varnadoe
Nays-Nichols
The original motion passed with a vote of 3 to 1.

4(b) **Resolution No. 2015-05** – Amending CRA Resolution No. 2014-08 To Amend the Downtown Community Redevelopment Capital Improvement Budget For The Fiscal Year Beginning October 1, 2014 And Ending September 30, 2015; And Providing For An Effective Date. [Appropriating a total of \$34,430 (\$31,300 base fee plus a 10% contingency) for Kimley-Horn to carry out an operational analysis of traffic flow on Beach Boulevard between 4th Street and the street end]

Motion: It was moved by Mr. Knight and seconded by Mrs. Varnadoe to approve CRA Resolution No. 2015-05, to amend CRA Resolution No. 2014-08 to amend the Downtown

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Community Redevelopment Capital Improvement Budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015; and providing for an effective date. [Appropriating a total of \$34,430 (\$31,300 base fee plus a 10% contingency) for Kimley-Horn to carry out an operational analysis of traffic flow on Beach Boulevard between 4th Street and the street end]

Mr. Lindorff stated that even if this recommendation was not in the recommended Action Plan, staff would be bringing it to the Board for consideration because we have in our possession, complete plans for the first project from Beach to 4th Avenue South in the infrastructure reconstruction and we believe it is important that we have an expert traffic engineer look at the operations of Beach Boulevard with a focus on the roundabout and the four-way stop positioned between 3rd Street and the ocean before we award that project. Michelle Mecca with Kimley-Horn was retained to assist the CRA with changes to South Beach Parkway between Jacksonville Drive and the JTB overpass; and she did an excellent job of gathering data and demonstrating the best approach to the changes there and we would like to have her review this intersection as well.

Discussion: Mr. Nichols stated the original design engineers that do not design project correctly for the City should be held accountable to some extent through their errors and omissions insurance for having to re-build things over and over again and re-paying for it.

Public Hearing: Mr. Kearsy opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the agenda item.

Collette Sellers, 525 3rd Street North, stated there are roundabouts all over the world but our particular roundabout is trying to get people onto Beach Boulevard. If you look at 2nd Street traffic after the fireworks or on a Sunday evening, the traffic is backed up to 8th or 10th Avenue North and it is more likely because there is only one lane of traffic before you get three lanes of traffic to get to Beach Boulevard. If it is an evacuation route, the Board may want to think about that too. She is happy we are doing the study; she loves the roundabout at 1st but she sees 2nd Street is backed up and would not want to be in an evacuation if we have that problem.

Vote: After a brief discussion, a voice vote resulted in all ayes by Agency members. Motion passed unanimously.

4(c) Resolution No. 2015-06 – Adopting Its Operating Budget for the Fiscal Year Beginning October 1, 2015 and Ending September 30, 2016’ And Providing for An Effective Date.

Motion: It was moved by Mr. Knight and seconded by Mr. Nichols to approve CRA Resolution No. 2015-06, to adopting its operating budget for the fiscal year beginning October 1, 2015 and ending September 30, 2016’ and providing for an effective date.

Mr. Lindorff explained this will be the second year since we changed the staffing setup to the administrative support to the CRA and we are now fully staffed. We hired a young engineer name Robin Smith who is doing an excellent job and has hit the ground running. He stated that he now

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works out of an office located in the O & M building and that has increased productivity. The budget includes employee salaries for three employees: a part-time administrator, a project engineer and a city engineer. There was a slight decrease in the Downtown Cape salary due to the actual salary paid versus the estimated salary at the time that the original budget was created for the full, nine-member staff. Going forward there is a rotation plan for replacement police vehicles. The operating expenses are similar to the previous year's budget.

Vote: After no discussion, a voice vote resulted in all ayes by Agency members. Motion passed unanimously.

COURTESY OF THE FLOOR TO VISITORS

- Collette Sellers, 525 3rd Street North, stated she has been a resident since 1993. She appreciates what the Board does and is in support of the City Council amending the Downtown Vision Plan. She stated that it seems like the City is trying hard to be an "old Florida" beach city and that she supports all of the six priorities in the improvement plan; she is especially concerned about the future of having a more family-oriented downtown area and whatever it takes to get that. She wrote a letter to the City Council and copied George Forbes, Chief Dooley, and Director Mann about her observations over the many years. She stated is it is very good that we do this and that each time we have an amendment, we are revisiting the plan that was in place and realizing that we do need to make changes. In going forward, she has heard that some property owners are selling in the district and that the replacements will be more family oriented. She stated the City is doing a great job because we have asked for feedback from the citizens, found out what they wanted, and now have the support of a lot of people for the improvements. She hopes that the building code will be stricter during the next few years because we are having a lot changes. She is concerned about researching alternatives to the proposed parking garage structure. She thinks that it is very important that the Board be supportive of having a facility to support the Police Department in the downtown area in the future.

ADJOURNMENT

There being no further business coming before the Board, Mr. Kearsey adjourned the meeting at 5:56 P.M.

Submitted by: Chandra Tolman
Recording Secretary

Approval:

/s/ Grady R. Kearsey
Grady R. Kearsey, Chairman

Date: September 21, 2015