

**Minutes of Regular City Council Meeting  
held Monday, April 4, 2016, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida.**



**OPENING CEREMONIES:**

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

**CALL TO ORDER:**

Mayor Latham called the meeting to order at 7:03 P.M.

**ROLL CALL:**

Mayor: William C. Latham

Council Members:	Lee Buck	Keith Doherty	Christine Hoffman
	Bruce Thomason	Phil Vogelsang ( <i>absent</i> )	Jeanell Wilson

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

**APPROVAL OF MINUTES**

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

- Regular City Council Meeting held on March 21, 2016

**ANNOUNCEMENTS**

Council Member Hoffman thanked everyone who helped the Beaches Museum and History Park celebrate its 10<sup>th</sup> anniversary. She thanked the City of Jacksonville Beach for supporting the museum. She announced the Fletcher All-Class Block Party will be held at the Beaches Museum and History Park on Saturday, April 23, 2016, at 6:00 P.M.

Council Member Wilson announced she attended the last opening of the J. Johnson Gallery on Friday, April 1, 2016. She also commended Sam Veal and his group for another successful Springing the Blues event held April 1-3, 2016, at Jacksonville Beach. She also attended the signing over of the St. Johns River Ferry from the City of Jacksonville to the Jacksonville Transportation Authority.

Mayor Latham made the following announcements:

- He thanked Sam Veal and his team for another great job for the Springing the Blues event.
- He met with several local elementary school students earlier that morning. The students wrote letters sharing their concerns with the transfer of the animals from Sunshine Park pond to neighboring ponds. The letters were distributed to the Council Members. [on file]
- He and City Manager George Forbes met with the City of Jacksonville Mayor Lenny Curry and his Chief of Staff Kerry Stewart. They also met with Mike Miller of the Jacksonville Transportation Authority and the mayors of Atlantic Beach and Neptune Beach regarding the implementation of the trolley schedule.

### **MAYOR AND CITY COUNCIL**

#### **16-337 Recognition – Summer DiStefano**

Summer DiStefano, a seventh grader at Fletcher Middle School, was the third place winner of the “If I Were Elected Mayor” essay contest open to all seventh graders in the State of Florida sponsored by the Florida League of Cities and the Florida League of Mayors. Mayor Latham read her award-winning essay and presented Summer with a City of Jacksonville Beach pin.

### **COURTESY OF THE FLOOR TO VISITORS:**

#### **Speaker(s):**

- Brian Bausch, 1100 Seagate Avenue, # 66, Neptune Beach, spoke regarding the Lee Kirkland Cemetery, located at 300 Palm Tree Road, Jacksonville Beach. He was concerned about the condition of the tombstones and grave markers, particularly those of the veterans. He requested the City’s assistance in maintaining and preserving those tombstones and grave markers. [photos on file]

### **CITY CLERK:**

### **CITY MANAGER:**

- (a) **Item #16-338, *Public Hearing* - City Council Approval to Submit a Public Facilities Improvement Project for Inclusion in the FY 2016-2017 Community Development Block Grant (CDBG) Application to the City of Jacksonville.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize the Mayor and City Manager to submit a Community Development Block Grant application for the fiscal year 2016-2017 as described in a memorandum from the Parks & Recreation Director dated March 29, 2016.

Mayor Latham opened the public hearing to give the audience a chance to address this item. No one came forward, and the public hearing was closed.

Mr. Forbes explained Mary Ellen Donner, Parks and Recreation Director, has applied for a Community Development Block Grant (CDBG) for facilities improvements at the Community Services Center. If approved, the City is requesting \$50,000 from the CDBG and the City would match that funding with \$50,000.

Mr. Doherty asked if we do not get approved for this grant would the entire \$100,000 come from the General Fund. Mr. Forbes answered money has been put aside for capital projects for building improvements, and it would come from there.

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

**(b) Item #16-339, Authorize Change Order with *J.B. Coxwell Contracting, Inc.*, for Replacement of 12-inch Water Main on 2nd Street South.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize the replacement of the 12-inch water main on 2<sup>nd</sup> Street South from Beach Boulevard to 4<sup>th</sup> Avenue South with *J.B. Coxwell Contracting*, as described in the memorandum from the Public Works Director dated March 27, 2016.

Mr. Forbes explained this is part of a project recently contracted to J.B. Coxwell Contracting to rebuild the street, including stormwater and public facilities within the area on 2<sup>nd</sup> Street South between Beach Boulevard and 4<sup>th</sup> Avenue South. The project did not include replacing the 12-inch water main on 2<sup>nd</sup> Street South that has been there since 1982. This water main experienced a major break on February 21, 2016. This change order includes the rebuilding of a damaged 12-inch water main.

Mr. Doherty asked if this repair went out for bid. Mr. Forbes stated that a bid was put out for the original project. This is a change order for that project and unit prices from the existing contract are being used as feasible.

Ty Edwards, Public Works Director, explained that in February 2016, the longitudinal break occurred. He also said unit pricing would be utilized and the project would not be delayed.

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

- (c) **Item #16-340, Authorize Design of Project 2, Rebuilding 1st and 2nd Streets, from 4th Avenue South to 16th Avenue South, with the Program Design Firm, GAI Consultants, Inc.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize design services for Project 2, 1<sup>st</sup> and 2<sup>nd</sup> Streets from 4<sup>th</sup> Avenue South to 16<sup>th</sup> Avenue South, of the Downtown Redevelopment District Master Plan, with *GAI Consultants, Incorporated*, as described in the memorandum from the Public Works Director dated March 25, 2016.

Mr. Forbes explained that Project 1 is currently underway. The next part of the project includes a drainage study and modeling to take all the drainage from these streets to the 12<sup>th</sup> Avenue South drainage channel. This is a multi-year project.

Ty Edwards, Public Works Director, stated that actual phasing for the construction work being done would be 1<sup>st</sup> and 2<sup>nd</sup> Street between 11<sup>th</sup> Avenue South and 13<sup>th</sup> Avenue South, including crossing A1A to construct a stormwater pipe into the 12<sup>th</sup> Avenue South drainage channel.

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

- (d) **Item # 16-341, Authorize Final Design Services with Jones Edmunds to Construct a New Lift Station #7 (at the Corner of 4th Street North and 18th Avenue), Demolish Old Lift Stations #7, #8 and #20, and Construct Associated Wastewater, Water and Stormwater Improvements Along and Adjacent to 4th Street North and 18th Avenue.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize design services with Jones Edmunds to construct a New Sewage Lift Station Number 7, to demolish old Sewage Lift Stations Number 7, Number 8 and Number 20, as described in a memorandum from the Public Works Director dated March 24, 2016.

Mr. Forbes stated that this project was developed to turn three (3) sewer lift stations into one (1) lift station. The current Lift Station #7, located at the corner of 3rd Street North and 18<sup>th</sup> Avenue, would be moved to the corner of 4<sup>th</sup> Street North and 18<sup>th</sup> Avenue North.

Mr. Doherty asked if there would be an issue if these lift stations are consolidated and there was a malfunction. Mr. Forbes answered that the lift stations are monitored, and there are at least two (2) pumps on each lift station.

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

- (e) **Item #16-342, Approve Projects to Restore (a) Latham Plaza by Replacing the Irrigation System and the Drainage Channel in Front of the SeaWalk Pavilion Stage and (b) Oceanfront Park by Replacing the Irrigation System and the Park's Lighting and Other Improvements.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve projects to restore Latham Plaza, the SeaWalk Pavilion, and the Oceanfront Park as described in a memo from the Deputy City Manager dated March 25, 2016.

Mr. Forbes explained these projects involve improving City park facilities. Much of these projects include work on irrigation systems, lighting and facility improvements.

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

## **RESOLUTIONS:**

### **Item #16-343, RESOLUTION NO. 1958-2016**

Mayor Latham requested that the City Clerk read Resolution No. 1958-2016, by title only, whereupon Ms. Scott read the following:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, OPPOSING EXTREME METHODS OF OIL AND GAS EXTRACTION, INCLUDING HYDRAULIC AND ACIDIC FRACTURING OR "FRACKING" WITHIN THE STATE OF FLORIDA AND ITS ADJACENT WATERS.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 1958-2016, opposing extreme methods of oil and gas extraction, including fracking within the State of Florida and its adjacent waters.

Mayor Latham explained this resolution is important because we do not want to see fracking in our Community or our State and it sends a signal to the Governor and Legislature that the City feels very strongly about Home Rule.

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

**ORDINANCES:**

**(a) Item # 16-344, ORDINANCE NO. 2016-8069 (First Reading - *PUBLIC HEARING*)**

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8069 (First Reading), 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 34-340. RESIDENTIAL, MULTIPLE FAMILY: RM-2, PARAGRAPH (d) *CONDITIONAL USES* TO ADD "PRIVATE PARKS" TO SUBPARAGRAPH (26) PUBLIC PARKS, PLAYGROUNDS, AND RECREATIONAL FACILITIES; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2016-8069, amending the Land Development Code to add private parks as a listed conditional use in *Residential, multiple family: RM-2* zoning districts.

Mayor Latham opened the public hearing to give the audience a chance to address the ordinance.

**Speaker(s):**

Mr. James Sorrell, 428 North 10<sup>th</sup> Avenue, Jacksonville Beach, spoke in favor of Ordinance No. 2016-8069.

Mayor Latham closed the public hearing.

Mr. Forbes explained private parks are allowed in single family districts and not multiple family districts, RM-2, which is where this property is located. This request was made because a citizen would like to put in a private park near Oceanfront Park to display sculptures.

Mr. Thomason asked why RM-1 was not included in the ordinance. Bill Mann, Planning and Development Director, answered that the RM-1 district would be the only area that did not allow private parks as a conditional use and an applicant for that district would go through the same rezoning process.

Ms. Wilson asked if these private parks were open to the public. Mr. Mann explained that would be answered during the conditional use application process.

Mr. Doherty inquired if this park could ever become commercial and need a business license. Mr. Mann stated that a commercial park would be a recreational service, and those are not allowed in single family or multifamily districts.

Ms. Hoffman stated she is in support of this change and the City has an opportunity to have public art installed through private dollars.

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

**(b) Item # 16-345, ORDINANCE NO. 2016-8070 (First Reading - PUBLIC HEARING)**

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8070 (First Reading), 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. (This property is a six-story mixed multifamily residential, hotel and commercial building. It is located at the northwest corner of 1st Street North and 6th Avenue North)**

Mayor Latham read the following statement for the record:

“This ordinance for the Redevelopment District: RD 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 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 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, Planning Commission, and Community Redevelopment Agency reports on this rezoning request.

I will now open the public hearing on Ordinance No. 2016-8070.”

Mayor Latham opened the public hearing.

Scott Gay, representing Dolphin Depot, LLC, 814 North First Street, # 101, Jacksonville Beach, FL.

Mr. Gay explained that this same piece of property was granted RD zoning four (4) years ago, and that has expired. He stated that when the property obtained the RD zoning in 2012, Dolphin Depot, LLC did not own the property. They have constructed other condominiums in Jacksonville Beach. The proposed project would consist of a six-story mixed-use structure with approximately 2,500 square feet of commercial space and parking on the ground floor, parking on the second floor, 54 multiple family units and a maximum of 36 hotel rooms on the upper floors. The project has been approved by the Planning Commission and Community Redevelopment Agency.

Speakers:

Grace Stewart, 710 2<sup>nd</sup> Street North, Jacksonville Beach, FL, opposes the ordinance but did not wish to address the Council.

Sharon Sherwood, 734 2<sup>nd</sup> Street North, Jacksonville Beach, FL, opposes the ordinance but did not wish to address the Council.

George Sherwood, 734 2<sup>nd</sup> Street North, Jacksonville Beach, FL, spoke in opposition of Ordinance No. 2016-8070.

Lynn Hileman, 712 2<sup>nd</sup> Street North, Jacksonville Beach, FL, spoke and is neither opposed or in favor of Ordinance No. 2016-8070.

James Sorrell, 1410 Pinewood Road., Jacksonville Beach, FL, spoke in opposition of Ordinance No. 2016-8070.

Michael Leach, 710 2<sup>nd</sup> Street North, Jacksonville Beach, FL, spoke and is neither opposed or in favor of Ordinance No. 2016-8070.

Richard Landes, 736 2<sup>nd</sup> Street North, Jacksonville Beach, FL, spoke in opposition of Ordinance No. 2016-8070.

Jim Overby, 21 Burling Way, Jacksonville Beach, FL, spoke and is neither opposed or in favor of Ordinance No. 2016-8070.

John Tipton, 503 6<sup>th</sup> Street North, Jacksonville Beach, FL, spoke and is for Ordinance No. 2016-8070.

Sara Uselman, 602 11<sup>th</sup> Street North, Jacksonville Beach, FL, spoke and is for Ordinance No. 2016-8070.

Julie Williams, 2608 Madrid Street, Jacksonville Beach, FL, spoke and is for Ordinance No. 2016-8070.

Bill Mann, Planning and Development Director, responded to the comments. He stated that the parking garage will direct traffic onto 7<sup>th</sup> Avenue North, not 2<sup>nd</sup> Street North. The parking was calculated correctly and is adequate. The maximum number of hotel units and residential dwelling units is reflected in the ordinance. He also stated the project is driven by the City's Downtown Design Guidelines.

Mr. Gay responded to the comments. He stated that Dolphin Depot, LLC has a history of doing positive projects in the City, and he respectfully requests the Council approve the ordinance as written.

Mayor Latham closed the public hearing.

**Ex parte communications:**

Mayor Latham read the following statement:

“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, Council Members Hoffman, Doherty and Thomason reported they had a discussion with Sandy Golding. Council Member Wilson reported she had a discussion with Raymond Bragg. Council Member Buck reported he had a discussion with Lynn Hileman.

Mayor Latham asked if the City Clerk had received any written communications. Ms. Scott responded that she had not.

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2016-8070, establishing a Redevelopment District: RD zoning district on property located on the northwest corner of 1<sup>st</sup> Street North and 6<sup>th</sup> Avenue North, pursuant to Chapter 34 of the Code of Ordinances of the City of Jacksonville Beach

“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.”

Council Member discussion ensued regarding the following issues:

Mr. Thomason:

- Consulting with Chief of Police Pat Dooley concerning issues with the increase in traffic and crowds;
- If designation as a hotel is defined by length of stay;
- Time of approval of the development plan and building permit issuance; and
- Water retention.

Mr. Doherty:

- The number of parcels are left that in the City that can build over 35 feet; and
- The ability for the developer to substantially modify the plans.

Ms. Wilson:

- The distinction between hotel and apartment;
- Parking space requirements for apartments;
- Lack of setbacks; and
- Hotel operation.

Mr. Buck:

- Setbacks and height; and
- Support of the project.

Ms. Hoffman:

- Height of the Atlantis property; and
- Frame street concept.

Mayor Latham:

- Hotel branding; and
- Setback length.

Following the discussion from Council Members, Bill Mann and Scott Gay on the proposed development, Mayor Latham called for the vote.

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

**(c) Item # 16-346, ORDINANCE NO. 2016-8071 (First Reading)**

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8071 (First Reading), by title only, whereupon Ms. Scott read the following:

**AN ORDINANCE VACATING, DISCONTINUING, ABANDONING AND CLOSING A CERTAIN TWELVE (12) FOOT WIDE PUBLIC ALLEY RUNNING IN AN EASTERLY AND WESTERLY DIRECTION THROUGH THAT CERTAIN PROPERTY IN THE CITY OF JACKSONVILLE BEACH, FLORIDA, KNOWN AS BLOCK 15, PABLO BEACH SOUTH SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 28 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2016-8071, abandoning and closing the 12-foot wide alley located in Block 15, *Pablo Beach South* Subdivision.

Mr. Forbes explained the City does not often close alleys unless there is a major public purpose. This owner is developing a CubeSmart Self Storage and as a condition of that closure, the owner is giving a 12-foot wide utility easement to replace the abandoned alley. The City will not issue a building permit for the storage facility until the easement for the City is obtained.

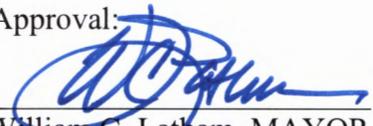
**Roll call vote:** Ayes – Thomason, Wilson, Buck, Doherty, Hoffman, and Mayor Latham. The motion carried unanimously.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:20 P.M.

Submitted by: Laurie Scott  
City Clerk

Approval:

  
\_\_\_\_\_  
William C. Latham, MAYOR

Date:

4/18/16