

**Minutes of Regular City Council Meeting
held Monday, April 18, 2016, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



OPENING CEREMONIES:

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

CALL TO ORDER:

Mayor Latham called the meeting to order at 7:01 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:

- Regular City Council Meeting held on April 4, 2016

ANNOUNCEMENTS

Ms. Hoffman announced this is the last week of the Players by the Sea 50th Anniversary Exhibit at the Beaches Museum and History Park. There will be an exhibit by Japanese artist Hiromi Moneyhun opening on May 5, 2016. Also, the Fletcher All-Class Block Party will be held April 23, 2016, at the Beaches Museum.

Ms. Wilson announced the Jax Beach Classic Car Cruise event will be held on Tuesday, April 19, 2016, at Latham Plaza and the Art Walk held last week was a success.

Mayor Latham made the following announcements:

- He thanked the JAX Chamber for sponsoring the “Meet Your Elected Officials” event at Ocean 60 on April 5, 2016.

- He congratulated the graduating class of the Citizen's Police Academy (Class Number 37).
- City Board Candidate interviews were held on Tuesday, April 12, 2016.
- The Transportation Improvement Program Board meeting was held on Thursday, April 14, 2016.
- The Skate Park Open House was held on Thursday, April 14, 2016.
- He attended the St. Johns River Ferry Transition Celebration held on Sunday, April 17, 2016.

MAYOR AND CITY COUNCIL

COURTESY OF THE FLOOR TO VISITORS:

Speakers:

- Kimberly Prescott, 3640 Sanctuary Way South, Jacksonville Beach, spoke regarding the tennis pro leaving the tennis center, effective May 7, 2016. She and others are worried about the tennis program. They feel that without a full-time pro at the courts, the program will be diminished. They are also concerned about the affordability of youth tennis.
- Trey Phillips, 934 10th Street North, Jacksonville Beach, spoke regarding camping and storing personal belongings on the beach. There is a certain individual who is homeless and is residing on the beach. This person is violating several City of Jacksonville Beach ordinances.
- Rick Sanborn, 725 Bonaire Circle, Jacksonville Beach, spoke regarding the Huguenot Tennis Center. He stated that people of all ages use the tennis center. He expressed concern for the future of the park and offered support in the transition.
- Bill McQuilkin, 116 Meadow Crest Lane, Ponte Vedra Beach, stated his support of the tennis center and thanked the City and the tennis pro, Jim Watford, for their efforts.
- Kurtis Loftus, 1948 Horn Street, Jacksonville Beach, provided an update on the Deck the Chairs event. He stated strategic planning has been taking place. He requested to begin discussions for the Deck the Chairs organization to enter into a long-term agreement with the City of Jacksonville Beach. [Brochure on file]

CITY CLERK:

CITY MANAGER:

- (a) **Item #16-349, Accept the Monthly Financial Reports for the Month of March 2016.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to accept the monthly financial reports for the month of March 2016, as submitted by the Chief Financial Officer.

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

(b) Item #16-350, Authorize the City Manager and the Police Chief to Expand the Marked Police Car Take Home Vehicle Program for the Police Department.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize the City Manager and the Chief of Police to amend the marked take home vehicle policy for the police department as outlined in a memorandum from the Chief of Police, dated April 9, 2016.

Mr. Forbes explained that police officers have vehicles they can take to and from work. Currently, there is a five-mile radius from Jacksonville Beach that officers are allowed to drive their cars home. The proposed take home map extends that to about 15 miles and does not extend across the St. Johns River. Officers that participate will be charged \$25.00 per pay period to assist in gasoline costs.

Speaker:

- John Galarneau, 2002 Grove Street, Jacksonville Beach, spoke in favor of the extended take home map. He stated that officers that drive the vehicles home keep the vehicles well maintained.

Discussion:

Mr. Vogelsang commented that employees cannot be forced to pay for take home vehicles without bargaining the issue. He suggested the Chief of Police enter into a Memorandum of Understanding implementing this policy including language that a take home vehicle is optional. He also stated that when determining mileage, to include the language “as the crow flies” and not driving mileage. He added that the officers should be reimbursed if the vehicle is out for maintenance. He stated he supported the policy.

Ms. Wilson asked if the take home vehicle [program] was required. Chief of Police Pat Dooley explained that officers are not required to participate in the program.

Mr. Doherty asked Chief Dooley how many officers live outside the existing zone. Chief Dooley answered there are 25 officers in the take home car program, and this new policy would add approximately 10. Mr. Doherty stated he supported this policy.

Mr. Thomason asked Chief Dooley if there was a Memorandum of Understanding for the current take home policy. Chief Dooley answered there was not, and because there

is a dollar amount attached to the policy, it becomes a negotiating issue. Mr. Thomason asked if there had been a discussion with the City's labor attorney. Chief Dooley stated that with the hiring process going on around the area, he was ready to get the new take home map approved so as not to lose any more employees.

Mr. Thomason asked Mr. Forbes if the Council should address the issue of the Memorandum of Understanding. Mr. Forbes answered that the Council could approve the take home policy subject to the signing of the Memorandum of Understanding with the Union. Mr. Thomason stated he supported the policy.

Mayor Latham asked Sergeant Brown of the Police Union if the recommendation as written with the Memorandum of Understanding for the monetary attachment was sufficient. Sergeant Brown answered that if the Memorandum of Understanding is needed because of the monetary attachment, he is in agreement with that.

Amended motion: Council Member Wilson made a motion, seconded by Ms. Hoffman, to approve the recommendation as written with the addition of a Memorandum of Understanding. The amended motion carried unanimously.

Original motion:

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

(c) Item #16-351, Award Contracts to the Lowest Bidders, by Bid Section, for Bid Number 1516-07, Continuing Services for Landscape Maintenance.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Bid Number 1516-07, entitled Continuing Service for Landscape Maintenance, as recommended in the memorandum from the Property and Procurement Officer, dated April 8, 2016.

Mr. Forbes stated that the City has a number of grounds to be landscaped, and this is done through bids with private contractors. The City has a primary contractor and a secondary contractor for each area in the bid.

Ms. Wilson asked if the tree trimming is done under separate bid. Mr. Forbes explained the downtown landscape contract includes tree trimming. The downtown trees are trimmed twice a year. The rest of the palm trees will be trimmed on an as needed basis and are included in the contract for tree trimming.

Mr. Doherty asked if the vote was for the entire group or separately as he had received complaints regarding the cemeteries and the dog park. Mr. Forbes answered that the cemeteries are maintained by city crews.

Jason Phitides, Property and Procurement Officer, explained that the dog park is included in Section 2, Operations and Maintenance Grounds. The contractor will maintain the area from the welcome sign on Beach Boulevard to the golf course.

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

RESOLUTIONS:

Item #16-352, RESOLUTION NO. 1959-2016

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Resolution 1959-2016, amending the energy rate for Beaches Energy.

Mr. Forbes explained the City reviews the electric rates periodically. The Council is asked to approve an increase in the operations and maintenance portion of the energy rate by \$1.00 per thousand kilowatt hours to offset the increase in operating costs and planned capital improvements. At the same time, the bulk power adjustment will be reduced by \$3.00 per thousand kilowatt hours. This will result in a net decrease of \$2.00 per thousand kilowatt hours. This means Beaches Energy has reduced its electric rates by \$20.00 per 1,000 kilowatt hours since 2010. This represents a decrease of \$140 to \$280 annually per residential customer and much more for commercial customers depending on their usage.

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

ORDINANCES:

(a) Item # 16-353, ORDINANCE NO. 2016-8069 (Second Reading - PUBLIC HEARING)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8069 (Second 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.

Mr. Forbes explained this is the second reading of this ordinance. Private parks are already allowed in single-family residential districts but not in the multifamily districts. This would allow private parks to be considered as a conditional use in the multifamily: RM-2 districts.

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

Seeing no one coming forward to speak, Mayor Latham closed the public hearing.

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

(b) Item # 16-354, ORDINANCE NO. 2016-8070 (Second Reading)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8070 (Second 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).

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 1st Street North and 6th Avenue North, pursuant to Chapter 34 of the Code of Ordinances of the City of Jacksonville Beach and approve the Findings of Fact for Ordinance No. 2016-8070, dated April 18, 2016.

Speakers:

- Richard Landis, 736 2nd Street North, Jacksonville Beach, spoke in opposition of Ordinance No. 2016-8070.
- Bill Miley, 320 1st Street North, Unit 804, Jacksonville Beach, spoke in opposition of Ordinance No. 2016-8070.
- Sandy Golding, 1203 18th Avenue North, Jacksonville Beach, spoke regarding the three-year time limit for obtaining the building permit application in Ordinance No. 2016-8070. There is no language for an extension in Ord. No. 2016-8070, however, there are extensions allowed in Sections 34-263 and 34-347 of the Code of Ordinances.

Mayor Latham stated that there was a proposed amendment to Section 3 of Ordinance No. 2016-8070 which reads as follows:

“Section 3. Time limitations for the development order for the preliminary development plan for RD zoning district classification shall be as set forth in Land Development Code Section 34-347(c)(3)m. *Time limitations.*”

The amendment was distributed to the City Council.

Mr. Thomason asked Bill Mann, Planning and Development Director, if the Code Section referred to in the amendment is 34-347 or 334-347. Mr. Mann confirmed it is Section 34-347. Mayor Latham stated the amendment will reflect Section 34-347.

Amended motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to amend Section 3 of Ordinance Number 2016-8070 to read as printed with the exception of Section 334-347 being 34-347. The motion carried unanimously.

- Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach, spoke in favor of Ordinance No. 2016-8070. Mr. Sorrell distributed information to the City Council regarding the definitions of a hotel and hotel tax in the Florida Statutes. He also distributed floor plans of a manufactured home showing the size of the rooms.

Mayor Latham requested the City Clerk to read the Findings of Facts which will be included in the vote. He stated that this is a quasi-judicial proceeding. A quasi-judicial proceeding is based solely on the findings of fact and not emotional testimony or suggestive information.

Ms. Scott read:

- “1. The applicant has demonstrated significant experience relative to the management of, and demand for, residential rental properties through his existing businesses in the city.
2. Adequate public facilities are available to serve the proposed development.
3. The proposed permitted residential and commercial uses of the subject property are deemed to be consistent with the Downtown Community Redevelopment Plan and the Future Land Use Element and Map for the Jacksonville Beach 2030 Comprehensive Plan.
4. The proposed residential and commercial uses are consistent with existing land uses in the surrounding neighborhood.
5. No evidence was presented that demonstrated that the rezoning and proposed redevelopment of the subject property will have an adverse impact on property values in the area.”

Mayor Latham stated the task as Council is to look through this objectively, and these are the statements provided by the City Attorney based on testimony received at the first hearing.

Mayor Latham asked Mr. Mann to address the setback from the curb versus the property line. Mr. Mann explained the setback would be measured from the east side of the sidewalk, which is the private property side of the sidewalk.

Mayor Latham asked the City Attorney to verify if the height of this structure is in compliance with the court order issued to allow this height. Susan Erdelyi, City Attorney, explained there was a 2004 Charter Amendment limiting building height to 35 feet. This property was one of the properties granted a court order authorizing the height to 68 feet.

Ms. Wilson commented she had a concern with the hotel rooms because of the parking, how they are going to be rented, and the activity involved in that process.

Mr. Thomason questioned Ms. Erdelyi if, in her legal opinion, the application before the Council is in full compliance with the City Code and any applicable state statute. Ms. Erdelyi answered that it is in compliance.

Mayor Latham asked Scott Gay, representative of Dolphin Depot, LLC, if he wished to address concerns that were asked by the citizens. Mr. Gay stated the parking is in compliance with the City's ordinance. The minimum size of a dwelling unit in

Jacksonville Beach's ordinance is 750 square feet, and his rooms are less than that. He stated that the 36 hotel rooms could be part of a reservation system many small hotels throughout the state use. He still has to go through the development plan and building permit process.

Roll call vote: (Original motion and Findings of Fact):

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

(c) Item # 16-355, ORDINANCE NO. 2016-8071 (Second Reading)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8071 (Second 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 public alley located in Block 15, *Pablo Beach South* Subdivision.

Mr. Forbes explained there is a 12-foot wide alley way between 4th Street South and 5th Street South and 1st Avenue South and 2nd Avenue South. A developer wants to build a CubeSmart storage unit facility and in return will give the City a 12-foot wide utility and drainage easement on another piece of the property. This is the second reading of this ordinance. A building permit will not be issued until the utility easment is obtained by the City

Ms. Wilson commented she is not in favor of giving away alley ways but based on the developer giving the utility easment to the City, she is in favor of the ordinance.

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

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:33 P.M.

Minutes of the Regular City Council Meeting
held Monday, April 18, 2016

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: 5/2/16