

**Minutes of Regular City Council Meeting  
held Monday, May 2, 2016, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida.**



**OPENING CEREMONIES:**

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

**CALL TO ORDER:**

Mayor Latham called the meeting to order at 7:12 P.M.

**ROLL CALL:**

Mayor: William C. Latham

Council Members: Lee Buck  
Bruce Thomason

Keith Doherty  
Phil Vogelsang

Christine Hoffman  
Jeanell Wilson

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

**APPROVAL OF MINUTES**

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

- City Council Workshop held on April 18, 2016
- Regular City Council Meeting held on April 18, 2016

**ANNOUNCEMENTS**

Council Member Wilson announced the Jacksonville Beach Art Walk would be held on the second Tuesday of the month.

Council Member Vogelsang announced the Peace Officer Memorial ceremony would be held on Monday, May 16, 2016, at 10:00 A.M. at the Jacksonville Beach Police Department.

Mayor Latham congratulated the Parks and Recreation Department, Mr. Forbes and Department Heads for a successful Beaches Opening Day Parade held on Sunday, April 24, 2016.

**COURTESY OF THE FLOOR TO VISITORS:**

**Speakers:**

- Suzanne Van de Kamp, 14600 San Pablo Drive North, Jacksonville, spoke regarding the future of the Jacksonville Beach Tennis Center.
- Diana Gardner, 3504 Bay Island Circle, Jacksonville Beach, spoke in support of youth tennis at Jacksonville Beach Tennis Center. She requested the City continue to offer a reasonably priced after school instructional program, summer camps, and private lessons made available as needed. She asked the City to support the Northeast Florida Junior Team Tennis Program.

**MAYOR AND CITY COUNCIL**

**Item # 16-373 - Presentation by Denise Bunnewith with North Florida TPO**

Denise Bunnewith gave a presentation of the Transportation Improvement Program (TIP) for the City of Jacksonville Beach for FY 2016/17-2020/21.

Mr. Forbes stated there were concerns on the landscape project on Beach Boulevard from San Pablo to 9<sup>th</sup> Street. The current specs state that the irrigation system will be removed after nine months to a year later. The City would like to leave the irrigation system and take over that system. Ms. Bunnewith answered that she would have someone contact Mr. Forbes regarding that issue.

Ms. Wilson questioned the repaving of Seminole Road. Ms. Bunnewith stated that was a local project and not on their list of projects.

Ms. Bunnewith announced there would be a public meeting on May 17, 2016, at 6:00 P.M. at the Ponte Vedra Branch Library regarding the Ponte Vedra North Traffic Study.

Mr. Doherty asked how far in advance are the projects developed due to the increasing problem at the J. Turner Butler Boulevard and Marsh Landing intersection. Ms. Bunnewith answered it was part of the Ponte Vedra North Traffic Study, and it is being left as is for now.

**CITY CLERK:**

**CITY MANAGER:**

**(a) Item #16-368, Appointment of Two Trustees to the Firefighters' Pension Board;**

**Appointment of Two Trustees to the Police Officers' Pension Board**

Mr. Doherty nominated Mr. George Candler and Mr. Dennis Povloski for reappointment to the Firefighters' Pension Board.

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to reappoint Mr. George Candler and Mr. Dennis Povloski to the Firefighters' Pension Board.

Ms. Hoffman questioned the number of candidates that apply for these boards. Mayor Latham stated that the Council is invited to go over the applications.

Ms. Wilson commented these choices were justified as these members have only been on the board for one term.

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

Ms. Wilson nominated Mr. Marvin Dupree and Mr. Alan Grant for reappointment to the Police Officers' Pension Board.

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to reappoint Marvin Dupree and Alan Grant to the Police Officers' Pension Board.

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

**(b) Item #16-369, Approve a Commercial Lease Agreement with ASAP Towing and Storage Co., Inc, for Property at the Industrial Park.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize the City Manager and Mayor to execute a lease with ASAP Towing and Storage Co. Inc., for property at the Jacksonville Beach Industrial Park, as described in the memorandum from the Property & Procurement Officer dated April 27<sup>th</sup>, 2016.

Mr. Forbes explained this lease is for City property located on 10<sup>th</sup> Street South. It covers 27,500 square feet of land and an 880-square foot building. The City is allowing a two-month grace period to complete repairs to the building.

Ms. Wilson stated that the property is not to be used as a junkyard, but the lessee will be storing cars and vehicles there. Mr. Forbes commented the lease did prohibit it becoming a junkyard. Also, a screened fence will be constructed around the leased property to block the view.

Mr. Vogelsang asked if any real estate companies had been consulted and how was this tenant chosen. Mr. Forbes stated no real estate companies were contacted.

Mr. Thomason questioned where storm debris would be stored if the property is leased. Mr. Forbes answered that the storm debris is stored in another part of the property.

Mr. Doherty asked if the City has an official towing company. Mr. Forbes stated the Police Department has a list they utilize.

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

**(c) Item #16-370, Award RFQ 03-1516 to *Dix. Hite + Partners* for Downtown Action Plan Implementation and Management Plan.**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award RFQ 03-1516 to *Dix. Hite + Partners* and authorize the Mayor and City Manager to execute a contract for services with *Dix.Hite + Partners*, as described in the memorandum from the Planning and Development Director dated April 26, 2016.

Mr. Forbes explained this was part of the Downtown Action Plan. The City received three (3) qualified responses from requests for qualifications. The City recommends *Dix.Hite + Partners* based on their presentation and experience. They will be working on the public parts of the Downtown Action Plan, and Phase 1 is to come up with an execution plan. The City Council will then vote to approve Phase 2, which will be approving their recommendations.

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

**(d) Item #16-371, Approve Bid No. 1516-08 - Electric Supplies - 12 Months Requirement**

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Bid No. 1516-08 to the lowest bidders meeting specifications as explained in the memorandum from Beaches Energy Services Director dated April 20, 2016.

Mr. Forbes explained this bid covered about 27 different items from connector covers to elbow arrestors. These are various items stocked by Beaches Energy for the electric system.

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

**RESOLUTIONS:**

**ORDINANCES:**

**Item #16-372, ORDINANCE NO. 2016-8072 (First Reading - PUBLIC HEARING)**

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8072 (First Reading), 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. (Beach Marine property – 2315 Beach Boulevard)**

Mayor Latham read the following statement for the record:

“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."

Also, the Council has received a copy of the application, the staff and Planning Commission reports on this rezoning request.

### **Public Hearing**

Mayor Latham opened the public hearing on Ordinance No. 2016-8072 and asked if the applicant or their agent was present and if they would like to make a presentation.

Mack McCuller, 225 Water Street, Jacksonville, representing the applicant, Rose and Ken, Inc., stated they are seeking rezoning of approximately 27 acres from Commercial: C-2 and Industrial: I-1 to PUD (Planned Unit Development). He stated the project would allow for the development of up to 40 townhome units in a mixed-use development. The price range will be from \$500,000 to \$700,000. The applicant has met all requirements except for the pylon sign on the property. The owner has elected to have the sign treated as a legally conforming sign under Article VIII, Division 4, Sign Standards. Mr. McCuller handed the amended application page to the City Clerk.[attached] Mr. McCuller introduced Brian Wheeler, professional planner, representing the Genesis Group.

Brian Wheeler, 9822 Tapestry Park, Jacksonville, representing the Genesis Group, stated there are broad benefits to the community. He added it was important to not lose sight of those and not to diminish the functional or business aspects of operating a marina. Mr. Wheeler explained there were consistencies with the Comprehensive Plan and with the PUD standards.

Mr. McCuller summarized that they were seeking approval for 40 townhome units with the ability to convert the hotel units to 32 additional townhomes. This would be an enhancement of the Beach Marine property and to the City.

Mr. McCuller requested Part D of the draft ordinance be withdrawn regarding the existing pylon sign. He requested the City approve the application.[Part D contains language regarding the operation and nonconforming nature of the pylon sign and its being subject to regulations of Article VII, Division 4, Sign Standards.]

**Speakers:**

Mike Stang, 1020 19<sup>th</sup> Street North, Jacksonville Beach, spoke in favor of the ordinance. He has concerns regarding the curve on the road to the north and the parking issue.

Tom Taylor, 603 15<sup>th</sup> Street North, Jacksonville Beach, spoke in favor of the ordinance. His concern is if the sign is the issue, move it to a different time and proceed with the project.

Brenda Shields, 315 18<sup>th</sup> Street North, Jacksonville Beach, spoke and had concerns regarding the noise from the additional outdoor areas proposed in the application. She handed out a letter stating her concerns to the City Council and the City Clerk. [copy on file]

Sandy Golding, 1203 18<sup>th</sup> Avenue North, Jacksonville Beach, spoke in favor of the ordinance. However, she noticed the pylon sign with a digital display was advertising as she drove by that day.

James Overby, 21 Burling Way, Jacksonville Beach, spoke regarding the sign ordinance and advertising on the existing pylon sign on the Beach Marine property.

James Sorrell, 1410 Pinewood Road, Jacksonville Beach, stated the density of the project is too high, the parking would be a problem and the project would be a burden to the City.

City Attorney Susan Erdelyi clarified that the existing pylon sign was a legal nonconforming sign. In 1988, the City issued a permit allowing that sign to display time, temperature and other similar messages. At that time, flashing signs were not allowed. Sometime after the permit was issued, commercial messages began to be displayed on the sign, and a Code Enforcement case was created as a result. Ultimately, the Code Enforcement Board held that the sign was in compliance with the Code even if the Code in existence at that time was unclear about the frequency of message changes, but did not provide any clarity regarding the frequency of message changes. Ms. Erdelyi stated that since the current Code limits the frequency of message to once every 24 hours, we should comply with the current Code and that there are no vested rights attached to this pylon sign.

Mr. McCuller stated the messages displayed on the sign were for onsite tenants. He stated the Board of Adjustment approved the parking for this specific project and

gave the parking variance. The 1988 Code Enforcement Board decision found the sign in compliance and found no violation of the frequency of message changes.

### **Ex-Parte Communications**

Mayor Latham read the following statement for the record:

“Before requesting a motion on this ordinance, beginning with myself, each of the members is requested to indicate for the record *both the names of persons and the substance* of any *ex- parte* communications regarding this application. An *ex-parte* communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision, which occurred outside of the public hearing process.”

Mayor Latham stated he had met with the applicant and his team along with the City Manager to discuss the application. He was also contacted by Sandy Golding regarding the sign issue.

Ms. Hoffman stated she had breakfast with Joe Loretta of the Genesis Group a few months ago regarding the application, and she spoke with Sandy Golding earlier that day.

Mr. Doherty stated he spoke with Sandy Golding earlier that day regarding the sign and noise issues. He also received an e-mail from Brenda Shields regarding the noise issue.

Ms. Wilson stated she received phone calls from Mr. McCuller and Sandy Golding but never spoke with either of them.

Mr. Buck had a conversation with Sandy Golding and had a meeting with the City Manager.

Mr. Thomason spoke with Sandy Golding by telephone the day before about the sign issue and spoke with City Staff that day.

Mr. Vogelsang only received an e-mail from Brenda Shields.

Mayor Latham asked if the City Clerk had received any additional written communications, to which she responded that she had not.

Mayor Latham read the following statement for the record:

“Before opening the floor for discussion or questions by the Council, please be reminded that our decision will be based on the criteria set forth in the Land Development Code, and the Council is required to approve a clear statement of specific findings of fact stating the basis upon which such facts were determined, and the decision was made.”

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

**Motion:** It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2016-8072, establishing a *Planned Unit Development: PUD* Zoning District, approving a unified, mixed-use commercial and residential master development for the subject *Beach Marine* property.

**Amended motion:** It was moved by Mr. Vogelsang and seconded by Ms. Hoffman to change Section D of the ordinance as the attorney indicated by deleting the language starting with “Sign Standards,” through the rest of D. The motion carried unanimously.

Mr. Vogelsang stated his support of the project. The Board of Adjustment addressed the parking issue and looking at the parking study; the parking should not be a problem. The digital aspects of the pylon sign should be addressed by Code Enforcement.

Mr. Thomason questioned Mr. McCuller about the “Adventure Landing” message displayed on the pylon sign. Mr. McCuller clarified the attorney for Adventure Landing was located on the property.

Mr. Thomason asked Mr. Wheeler if the applicant intended to operate airboat tours as they are listed as an additional use allowed by right on Page 4 of the summary with his application. Complaints had been received by the police department about the noise when the previous owner had airboat tours. Mr. Wheeler said there was no immediate intention to have airboat tours, and it is listed as an allowed use for the overall commercial use of the property. Mr. Thomason stated his support of the project.

Mr. Buck stated his support of the project and commented that he hopes the timetables are accurate for successful development.

Ms. Wilson stated her support of the project. She asked for clarification of the Department of Transportation property being designated as reserved space for the condominiums. Mr. Forbes stated that the variance was granted based on the fact there are other parking spaces available, and the FDOT property is for public parking. Ms. Wilson also commented about the noise issue, and that the City should be diligent in enforcing it.

Ms. Hoffman stated her support for the project. She does not want to delay the project due to the digital sign issue, but it does need to be addressed.

Mr. Doherty stated his support of the project. He commented that the sign issue should not delay the project.

Mr. Thomason commented that the owners should help to keep the noise at a manageable level to not disturb the residents.

Mayor Latham stated that he and the City Manager met with City of Jacksonville Mayor Curry regarding 2<sup>nd</sup> Avenue North. He also commented that they are beginning attempts to allocate funds to repair the bridge. He stated his support of the project.

Mr. Forbes reminded the audience this ordinance requires two public hearings. There will be a second public hearing in two weeks, and the ordinance will be voted on for final adoption.

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

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 9:00 P.M.

Submitted by: Laurie Scott  
City Clerk

Approval:



William C. Latham, MAYOR

Date: 5/16/16

# Attachment to City Council Minutes

## May 2, 2016, Item 16-372

### Division 4. – Sign Standards

All standards shall conform to 2015 LDC Article 8, Division 4 – Sign Standards unless otherwise noted below.

As this is a mixed-use development which is one of its kind for the City of Jacksonville Beach, the applicant shall be allowed a mixture of signage types as typically offered within the land-development code, which shall include as follows:

**Existing Pylon Sign with digital display.** The existing two-sided pylon sign that is centrally located at the southern entrance will continue as a legally nonconforming sign under Article VIII, Division 4. Sign Standards. ~~The existing non-conforming two-sided pylon sign that is centrally located on the southern basin can be maintained on-site and repaired or re-built to match existing sign conditions; or reconstructed to match existing sign conditions with a monument type base. The proportions of the digital display, logo and sign panel cannot be enlarged during any maintenance or repair. This will allow the property owner the right to use this sign into the future, however, the sign can be modified to reflect any new logo development for the branding of the site.~~

**Proposed Development Ground Mounted Signage.** The subject property will utilize the intent of the Shopping Center ground mounted signage for overall development signage located on-site. The subject property has approximately 3,200 linear feet of frontage along Beach Boulevard, 20<sup>th</sup> St. and 2<sup>nd</sup> Ave. North. The overall subject site shall have no greater than 800 total square feet of maximum allowable sign area, to be located within signage zones defined within Attachment F. All or select allowable signage within signage zone "C" can be permanently relocated within Signage Zone "B". All or select allowable signage within Signage Zone "B" can be permanently relocated to within Signage Zone "A". No one individual sign shall exceed 200 square feet in size, nor 16 feet height and width of 12.5 feet per code. The existing non-conforming pylon sign is not subject to relocation per these PUD signage location criteria nor does it count against maximum overall allowable signage square footage for this site.

The intent is for the overall site to have similar or complimentary architectural design for the signage package throughout.

**Proposed Wall, Roof, Projected, Window or Door Signage.** The subject property will comply with the 2015 Land Development Code Article VIII, Division 4 Sign Standards for wall, window, projections and door locations.

### Environmental Standards

The development shall conform to 2015 LDC Article 8, Division 5 – Environmental Standards.

### Utilities:

Adequate public facilities will be available for each phase of new construction for the project per Article X of the LDC. The applicant has worked with the Public Works Department to understand the water and sewer requirements necessary to bring utilities to both the northern and southern basins of this property.

### Open Space / Recreation Facilities / Waterways: