



Agenda
City Council

Monday, June 6, 2016

7:00 PM

Council Chambers

MEMORANDUM TO:

The Honorable Mayor and
Members of the City Council
City of Jacksonville Beach, Florida

Council Members:

The following Agenda of Business has been prepared for consideration and action at the Regular Meeting of the City Council.

OPENING CEREMONIES: INVOCATION, FOLLOWED BY SALUTE TO THE FLAG

ROLL CALL

APPROVAL OF MINUTES

- a. 16-387 Council Workshop Held May 16, 2016
- b. 16-388 Regular City Council Meeting Held May 16, 2016

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

- a. 16-391
 - Reappoint Deborah White to Serve as a Trustee as the Fifth Member on the Firefighters' Retirement System Board
 - Reappoint Jacqueline Thomason to Serve as a Trustee as the Fifth Member on the Police Officers' Retirement System Board
- b. 16-392 Approve the Council Budget Workshop Schedule

- c. 16-393 Approve the Purchase of a Sidewinder Mower and a Contour Rough Mower for the Parks & Recreation Department
- d. 16-394 Award Bid Number 1516-12 Roof Replacement and Rehabilitation Projects to:
- *McCurdy-Walden, Inc.*, the Lowest Qualified Bidder for the Roof Replacement at the Police Department, and
 - *Tecta America*, the Lowest Qualified Bidder for the Roof Rehabilitations of the Meter Division and Animal Control Buildings at the O&M Facility

RESOLUTIONS

16-395 RESOLUTION NO. 1960-2016

A RESOLUTION ESTABLISHING CITY COUNCIL POLICY REGARDING APPOINTMENT OF PERSONS TO MEMBERSHIP ON THE BOARD OF ADJUSTMENT, COMMUNITY REDEVELOPMENT AGENCY, AND PLANNING COMMISSION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCES

a. 16-396 ORDINANCE NO. 2016-8073 (Second Reading – PUBLIC HEARING)

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 34-346. INDUSTRIAL: I-1, PARAGRAPH (d) CONDITIONAL USES TO ADD "CRAFT DISTILLERY" AS SUBPARAGRAPH (11); TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES. (This ordinance would allow craft distilleries in Industrial zoned districts as a conditional use.)

b. 16-399 ORDINANCE NO. 2016-8077 (First Reading - PUBLIC HEARING)

AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT ORDINANCE NO. 7411, AS AMENDED, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND PLAN FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY. (*Home Depot, South Beach Regional Shopping Center* - This ordinance would allow for the outdoor storage and display of merchandise at the Home Depot store.)

ADJOURNMENT**NOTICE**

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the City Clerk or to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, extension 10, no later than one business day before the meeting.

**Minutes of City Council Workshop
Downtown Action Plan
Monday, May 16, 2016 – 5:45 P.M.
City Council Chambers**

The workshop commenced at 6:00 P.M.

The following City Council members were in attendance:

Mayor: William C. Latham

Council members: Lee Buck Keith Doherty (*late*) Christine Hoffman
Bruce Thomason Phil Vogelsang Jeanell Wilson

Also present were City Manager George Forbes, Deputy City Manager Trish Roberts, City Department Heads, and City Clerk Laurie Scott.

Purpose of Workshop

Mr. Forbes discussed the recent history of the outdoor low volume ordinance and proposed changes. In addition, there would also be a discussion regarding a proposed change to outdoor seating requirements.

Chief Dooley suggested to Council the creation of a new section of the code of ordinances, “18-7-Outdoor and Acoustic Sound” to offer a standard for establishments offering outdoor dining. Additionally, the Chief clarified the definitions of the following terms:

- “plainly audible” (when music is involved) as the detection of rhythmic bass tones shall be sufficient
- “low volume” as sound played at a level such person outside the property line of the source of the sound, speaking in a normal tone, can be clearly heard (without assistance) by another person standing 36 inches away

Mr. Thomason asked for clarification regarding the difference in distance of property lines from the source of the sound. Chief Dooley clarified that regardless of how close the source of the sound is to the property line, the establishment must still meet the ordinance requirements.

In addition, Chief Dooley offered the following recommendation as part of the new section of the code of ordinances, 18-7 Outdoor and Acoustic Sound:

- Establishments issued a new Outdoor and Acoustic Sound permit shall not generate any sound from their outdoor dining area that exceeds the limits of the “low volume” guidelines.
- Outdoor disk jockeys and amplified bands are prohibited unless specifically allowed in writing in conjunction with Section 4-5 (Temporary extension of licensed premises) of Chapter 4.
- Establishments are prohibited to remove/move outdoor seating and tables while generating outdoor amplified and acoustic sound
- Sound may not be conveyed outside the licensed establishment by any means, including but not limited to open windows or open doors with the exception of entrance doors opened momentarily (up to 30 seconds) to allow ingress and egress of people.

Chief Dooley further explained one exception to this ordinance of which will allow establishments with permits issued prior to June 2010 (16 grandfathered businesses) to continue to operate under the rules placed at time.

Ms. Hoffman asked to clarify that when one of the 16 grandfathered businesses go out of business, then the new business that takes its place in the same building will not have the same sound permit as the previous business. Chief Dooley clarified that was correct.

Ms. Hoffman further asked if establishments can open their windows and music can be heard from inside the establishment by pedestrians walking by, would that be permitted. Chief Dooley responded by stating that the sound level must meet the "low volume" standard. He further clarified that an establishment can play live or recorded amplified music inside and it can be heard by pedestrians walking by, that is okay as long as the music/sound is being played at a level that citizens can still speak at a normal level.

Ms. Hoffman asked about how the new proposed sound ordinance would affect establishment that would hold outdoor events (such as weddings or birthday parties) using a band or a DJ on a regular basis (more than the two-time temporary permit that will be allowed). Chief Dooley explained that if the establishment falls under the old ordinance (as one of the 16 grandfathered establishments), this would be allowed. Ms. Hoffman responded by clarifying that a new venue would not be able to have live music for special events with the exception of the two-time temporary permit. Chief Dooley confirmed her statement.

Chief Dooley stated that there could be an exception entered into the ordinance for hotels or other establishments that host weddings.

Mr. Doherty asked when the original sound ordinance was suspended that limited amplified music. The Chief explained that it was put into place in 2010 because of large volume of complaints. Mr. Forbes added that the suspended sound ordinance helped lower the number of complaints but he also understands the Council's concern of new business being restricted. Furthermore, Mr. Forbes stated that the downtown area is becoming more residential as it continues to grow and the sound ordinances must reflect that change as well.

Ms. Wilson asked for clarification in regards to how the level of sound/noise will be regulated or monitored and how fairness will be established. Chief Dooley affirmed that it would be the responsibility of the police department and it would be regularly monitored in an attempt to be proactive to avoid complaints.

Mr. Thomason stated that there were many complaints in 2010 in regards to noise complaints with the establishments in Beach Marine. He also stated that the sounds easily travel north and south over the intracoastal waterways and that the Council should be sensitive to the suggestion of increasing the allowed decibels.

Mr. Forbes suggested that a "special permitting process" may be an option to allow establishments more than two temporary permits for outdoor music. Chief Dooley suggested setting a number of allowance

for establishments that cater to weddings and special events. Mr. Forbes encouraged getting a set ordinance in place very soon to allow citizens and visitors to be able to enjoy the summer months by sitting outside.

When Mr. Doherty asked for clarification on the direction of the ordinance, Mr. Forbes responded by stating that there are three separate topics and two (extension of premises and ambient music) seem to be easily resolvable. The third (amplified outdoor music) being a bit more problematic.

Mr. Forbes mentioned the previous topic/concern brought up by Mayor Latham regarding special events and having the Council approve any event that serves alcohol. Mr. Forbes stated that he further discussed this topic with Mayor Latham and it was clarified that the Council approve any festival that serves alcohol. Mr. Forbes stated that he has asked the City Attorney to review the current special events policy and the concerns of Mr. Forbes regarding the involvement of City Council members with festivals. Mr. Forbes asked that the City Attorney report back to the Council in regards to any changes she would recommend to the policy. Furthermore, Mr. Forbes explained that until the special events policy (more specifically the policy for special events involving alcohol) has been reviewed by the City Attorney, Mr. Forbes has advised his staff to not accept any new application/reservation for festivals in 2016-2017. This request will exclude any current or existing reservations.

In response, Mr. Vogelsang stated that he would rather not spend taxpayer's money to have the City Attorney review the special events policy involving Council Members. Reason being that he spoke with Attorney Gray Schafer of the Ethics Commission, which offers a free service by the State of Florida, in regards to the statute of elected officials putting on a special event. In result, as long as there is no special benefit from putting an event, there is no issue with such action. Furthermore, Mr. Vogelsang stated that in conjunction with Mr. Doherty, they contributed over 54% (in 2016) of the special events budget by hosting the two festivals. Mr. Vogelsang stated that because of their involvement in the City Council, he wanted to make sure that there was no special treatment made in paying the required fees for the hosted festivals. Mr. Vogelsang reiterated that he had an in depth conversation with Mr. Schafer and offered to the audience to call Mr. Schafer for more information regarding that statute of elected officials hosting festivals.

Ms. Wilson stated that she did not believe that was the original issue stated by Mr. Forbes. Mr. Vogelsang stated that it was the original issue.

Mr. Doherty stated that he agreed with Mr. Vogelsang. Mr. Doherty further express that in order to host a festival, one must meet with the director of the Parks and Recreation department. Recently, there has been staffing issues in that department that included two resignations. In addition, Mr. Doherty suggested that because of these staffing issues, adding more new events would increase the work load of fewer staff members and ultimately may cause more problems in the future with the approval process. Mr. Doherty reassured his confidence in the new Director of Parks and Recreation, and suggested that with her competence and additional assistance, this issue may be resolved.

Mr. Forbes, responded by stating that a specific and open discussion should be had between himself and both Mr. Doherty and Mr. Vogelsang regarding festivals being held by elected officials. Mr. Forbes also

reiterated that he would like the City Attorney to further research the issue. Mr. Forbes further explained that his staff may feel pressured when working directly with a Council Member when planning an event. Furthermore, Mr. Forbes stated that Mr. Doherty and Mr. Vogelsang are aware of these problems and these issues need to be resolved. Mr. Forbes stated that it would be a good idea having the City Attorney to help with addressing these issues. Mr. Forbes did agree on reviewing and addressing the current policy regarding special events and festivals and making any needed changes that will assist in avoiding some of the issues in the future.

Mayor Latham stated that his last concern resulting from the previous City Council workshop was that plans were made without collective knowledge as a Council and a large event advertised as the world's largest outdoor cocktail party was approved. Mayor Latham stated that how that process happened and who was involved is worth looking further into.

Furthermore, Mayor Latham stated that it is important to let the system in place work for itself. Concerns can be identified and addressed. Mayor Latham stated in the past two weeks, he has been contacted by several people that have expressed their opinions regarding the process being handled the right way resulting in decision that are best for the citizens of Jacksonville Beach.

Mr. Buck stated that he and Ms. Wilson attended an ethics meeting in Saint Augustine. After personally asking a question regarding Council Members planning festivals or special events, the attorney there stated that planning events that involve Council Members can be a "slippery slope" and one should be cautious. Mr. Buck further comment that the current situation at hand should be reviewed by the City Attorney to avoid any further issues.

Ms. Hoffman asked what the time period for the hold in new festival/event applications will be. Mr. Forbes responded by reiterating that currently approved festival reservation for the remainder of this year (2016) and currently approved reservation for next year (2017) will not be affected. Also, currently reoccurring event (two years in a row or more) that are already on the calendar also will not be affected. However, Mr. Forbes stated that no new events will be added to the events calendar. In addition, Ms. Hoffman asked what the timeline will be to allow new events to be approved and added to the event's calendar. Mr. Forbes responded by directing the question to the City Attorney for an answer. Mayor Latham interjected by suggesting to allow the City Attorney to have adequate time to review the policies and then make a recommendation to the City Council for review.

Mayor Latham adjourned the Workshop at 7:05 P.M.

Submitted by: Laurie D. Scott
City Clerk

Approved:

William C. Latham, MAYOR

Date: _____

**Minutes of Regular City Council Meeting
held Monday, May 16, 2016, at 7:00 P.M.
in the Council Chambers, 11 North 3rd 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 7:15 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:

- City Council Workshop held on May 2, 2016

It was moved by Ms. Wilson, seconded by Ms. Hoffman, and passed unanimously, to approve the following minutes as amended, to include Council Member Buck's approval vote on Agenda Item # 16-368, Page 3:

- Regular City Council Meeting held on May 2, 2016

ANNOUNCEMENTS

Mr. Thomason attended the Police Officers' Memorial on Monday, May 16, 2016, at the Jacksonville Beach Police Station.

Ms. Hoffman commended The Players Championship/TPC Sawgrass for a successful golf tournament and the After Party that was held at Sea Walk Pavilion on Saturday, May 14, 2016.

Mayor Latham made the following announcements:

- He thanked the Cities of Orange Park and St. Augustine for hosting ethics training for the Northeast Florida League of Cities;
- He congratulated the Jacksonville Beach Police Department on coordinating the Police Officers' Memorial event on May 16, 2016. He announced the promotion of David Cohill to corporal and the swearing in of two new officers;
- He thanked those involved in the Get Hooked on Fishing! event held on Saturday, May 7, 2016;
- He attended the North Florida Transportation Planning Organization meeting on Thursday, May 12, 2016;
- He attended the Albanian Nationalist Celebration on Friday, May 13, 2016.

COURTESY OF THE FLOOR TO VISITORS:

Speakers:

- Maria Messer, 230 North Boardwalk, Jacksonville Beach, spoke regarding the condition of the public restrooms at the beach. She stated they need to stay open longer and they are in horrible condition.
- August Schild, 614 16th Avenue South, Jacksonville Beach, spoke regarding his neighbor that has built a kennel. They house, breed, and train puppies and dogs. He stated there is constant traffic, and the whole property is designed for the dogs.
- Melanie Barber, 3315 Eunice Road, Jacksonville Beach, stated she had been in contact with Mr. Schild's neighbor regarding the purchase of a dog. She stated she did not buy a dog as the seller wanted a contract signed and a percentage of any money winnings from showing the dog.
- John McGowan, 5 17th Avenue North, #401, Jacksonville Beach, spoke regarding the special events policy changes. He stated the event promoters should be invited early on in the process.
- Mike Stang, 1020 19th Street North, Jacksonville Beach, spoke regarding the condition of the Jacksonville Beach Municipal Golf Course. He stated the greens, fairways, and tee boxes are almost completely gone. He remarked that the golf course is a true asset to our beach and would like more attention into it.
- Cory Nichols, 1107 1st Street South, Unit C, stated that the special events policy should remain as it is. He is against limiting Council Member involvement in special events.

MAYOR AND CITY COUNCIL

Item # 16-376 – Employee of the Quarter Presentation

Mayor Latham presented Employee of the Quarter Glenda Wagner with a letter of appreciation and City of Jacksonville Beach pin.

CITY CLERK:

CITY MANAGER:

- (a) **Item #16-377, Accept the Monthly Financial Reports for the Month of April 2016.**

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

- (b) **Item #16-378, Appointment of One Member to the Community Redevelopment Agency.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to appoint Jeffrey Jones to the Community Redevelopment Agency for a four-year term expiring May 16, 2016.

Ms. Wilson stated there were more applicants than what was on the memorandum and the public needs to be made aware of open positions. She also stated she is in support of term limits for board members.

Mr. Forbes explained that this issue would be discussed at the next Council meeting. A policy regarding board appointments will be discussed that will alleviate concerns.

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

- (c) **Item #16-379, Authorize the Mayor and City Manager to Execute an Interlocal Agreement with the Duval County Property Appraiser, and the Tax Collector for the Payment of Collection Fees for a Third Party Vendor's Audit Services in Identifying Properties with Undeserved Property Tax Exemptions.**

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize the Mayor and City Manager to execute an interlocal agreement with the Duval County Property Appraiser and the Tax Collector for the payment of collection fees for audit services to identify undeserved or fraudulent homestead exemptions.

Mr. Forbes explained this agreement would allow the Duval County Property Appraiser and the Tax Collector to hire a company to search for improper homestead exemptions. If one is found, 30% of the proceeds from the collections would go to the vendor. Also, a quarterly report will be provided showing an accounting of all the proceeds collected. The City of Jacksonville Beach may cancel this agreement at least 90 days before the end of the fiscal year.

Jerry Holland, Duval County Property Appraiser, stated an outside company has more resources enabling them to find people owning homes in other states. Mr. Holland explained after the homestead exemption is removed, the market value is used to assess taxes.

Mr. Doherty asked how far back the penalties would be assessed. Mr. Holland explained that state law allows them to go back ten years. The person must pay the back taxes from the assessed value to the market value as it would have progressed during that time. They pay a 50% penalty and 15% interest for the money they owed during that ten-year period.

Mr. Thomason asked about the 500 liens assessed since July 2015, and if that much money had been collected. Mr. Holland stated the Property Appraiser's office only places the liens. The Tax Collector then has a collection process. They have collected \$1.2 million of the \$2,005,836.

Mr. Vogelsang asked if the money collected is disbursed in the same way as other taxes. Mr. Holland confirmed it is disbursed in the same manner.

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

(d) Item #16-380, Approve a Commercial Lease Agreement with Four Brothers of Jacksonville, Inc., for the Restaurant at the Jacksonville Beach Golf Course.

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to authorize the City Manager and Mayor to execute a lease with Four Brothers of Jacksonville Inc., for the restaurant operation at the Jacksonville Beach and Golf Course, as described in the memorandum from the Property and

Procurement Officer dated May 11, 2016.

Mr. Forbes explained the City leases space at the golf course clubhouse for restaurants. The company that is being recommended is Four Brothers of Jacksonville, Inc. The initial lease is for three years with two options to renew for three more years. During the first year, the tenant can cancel the lease with 90 days' notice. There are also two golf carts at \$225 each, included in the lease. Mr. Forbes pointed out on Page 3 of the lease, it states the rent shall be \$3,000 for the initial term. It should say "year."

Mayor Latham asked for a remotion to include the scrivener's error. It was moved by Mr. Vogelsang and seconded by Ms. Wilson to change the word "term" to "year" on Page 3 of the commercial lease agreement.

Jason Phitides, Property and Procurement Officer, introduced George El-Abu of Four Brothers of Jacksonville, Inc.

Mr. Doherty commented to Mr. El-Abu about the condition of the golf course and that there are plans to improve the operations of the golf course.

Ms. Wilson asked Mr. El-Abu about their background and experience. Mr. El-Abu stated they are second generation restaurant owners with 43 years' experience. They have locations in the Bank of America Building, the Community First Building, on Riverside at the Raymond James Building, the JEA Building, a freestanding establishment on Forsythe and one in Bartram.

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

RESOLUTIONS:

ORDINANCES:

- (a) **Item #16-381, ORDINANCE NO. 2016-8073, (First Reading – PUBLIC HEARING)**

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8073 (First Reading – Public Hearing), 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 34-346. INDUSTRIAL: I-1, PARAGRAPH (d) CONDITIONAL USES TO ADD "CRAFT DISTILLERY" AS SUBPARAGRAPH (11); TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES. (Jacksonucky Distillery, Inc.)

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2016-8073, amending the Land Development Code to add "craft distillery" as a listed conditional use in Industrial: I-1 zoning districts.

Mr. Forbes explained that a craft distillery is defined as a distillery that produces 75,000 or fewer gallons of distilled spirits per calendar year. The applicant is asking to change the Industrial: I-1 District to add the words "craft distillery."

Bill Mann, Planning and Development Director, stated the current regulations allow the wholesale distribution but not the production. This change would allow craft distilleries as a conditional use to be approved on a case by case basis by the Planning Commission.

Mayor Latham opened the Public Hearing.

There were three speaker cards in support of Ordinance Number 2016-8073, but did not wish to speak:

Jennifer Espenship, 1619 6th Street South, Jacksonville Beach.
Ronnie McDonald, 1630 6th Street South, Jacksonville Beach.
Nichele McDonald, 1630 6th Street South, Jacksonville Beach.

Mayor Latham closed the Public Hearing.

Discussion:

Mr. Doherty commented he supported the applicant's ambition and asked if he had a premises selected and would he be selling to distributors or kept on a local scale.

Mr. Sean Espenship, the applicant, stated he has secured a location and is waiting on the Council's approval. He will sell to distributors as he cannot legally sell it to the public. The location is not feasible for a tasting room.

Ms. Wilson asked if what they were approving tonight is not for onsite consumption. Mr. Mann answered it was not. She asked if the applicant would go through another

process to approve onsite consumption. Mr. Mann confirmed that the applicant would.

Mr. Vogelsang commended the City staff on the issue coming before the Council so quickly. He supports the effort and thinks it will bring something special to Jacksonville Beach.

Mayor Latham reminded the audience this is the first reading of this ordinance and it will be reviewed again at the next meeting in three weeks.

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

(b) Item #16-382, ORDINANCE NO. 2016-8072 (Second Reading - PUBLIC HEARING)

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8072 (Second 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 second 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.

Speakers:

Mack McCuller, 225 Water Street, Jacksonville, representing the applicant, Rose and Ken, Inc., stated they had revised their application dated May 4, 2016, to remove the digital sign rebuilding authority (the digital sign is a nonconforming sign) they were seeking. He submitted the revised application to the City Clerk.[on file] Mr. McCuller stated all the PUD standards have been met and are compatible with surrounding land uses. Mr. McCuller stated he has received a revised version of the conditions and asked for an explanation of the revision.

Mr. Forbes explained there were no new conditions yet but there may be new motions made by the Council. One is the airboat issue that was discussed at the May 2, 2016, Council meeting and the other is the flashing sign issue that the City Attorney will address tonight.

Mr. McCuller stated that proposed Condition F reads "F. Marina – Commercial air boats shall not be allowed to operate within or to and from the subject property." He stated that the owner cannot regulate what boats come into of the marina. Mr. McCuller explained that language could be acceptable if it reads: "F. Marina – Commercial air boats shall not be allowed to operate originating from the subject property."

Mr. McCuller stated Condition D now states regulations relating to changeable copy signs are subject to enforcement. He explained this is unnecessary as it presents ambiguity. The condition as it stands is arbitrary and is unacceptable.

Brenda Shields, 315 18th Street North, Jacksonville Beach, is in support of the ordinance and spoke regarding concerns regarding the PUD ordinance. She asked the Council to consider the expansion of the outdoor seating and dining areas on the

property. She stated citizens have made noise complaints and she asked the Council to also consider the residents before allowing the expansion and the increase in the noise level.

Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach, spoke regarding his concerns about the noise issues and the 40 new tenants that will be subject to the noise. He stated there needs to be clarity of the parking north of the bridge, at the hotel and on 2nd Avenue.

Jim Overby, 21 Burling Way, Jacksonville Beach, stated that the language regarding airboats could be changed to include private airboats.

Mr. Forbes asked Mr. Mann to clarify that the 95 parking spaces belong to the Florida Department of Transportation and are not reserved for Beach Marine. Mr. Mann replied the spaces are public and that there are appropriate spaces for either a hotel or for the 32-unit condominium.

Mr. Forbes asked Susan Erdelyi, City Attorney, to clarify the actions made by the Code Enforcement Board back in 1988 regarding the flashing sign. Ms. Erdelyi explained there was no court order regarding this sign. The sign was installed in 1988 when the Code did not allow for flashing signs which the Code now refers to as changeable copy signs. The owner of the property was entitled to and had a permit to install an illuminated sign to indicate time, temperature or other similar messages. When it came before the Code Enforcement Board, the property owner was displaying commercial messages. The Code Enforcement Board decided the Code was ambiguous and the sign was in compliance with the Code in place. The current owner is now suggesting with the amendment to Section D of the proposed ordinance is that the existing pylon sign is a ground sign and it will constitute an existing legal nonconforming sign with respect to the Land Development Code. However, clarity is lacking with the changeable message portion. Under the current Sign Code, the messages can only change every 24 hours. The sign is now changing more often. The City is not enforcing due to lack of clarity.

Mr. McCuller stated he would be willing to take Section D out entirely regarding the digital sign.

Brian Wheeler, 9822 Tapestry Park Circle, Jacksonville, representing the Genesis Group, stated they had done a shared parking analysis that excluded the public parking spaces.

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 was contacted by Sandy Golding with concerns about the sign. Ms. Golding asked if there was 50% improvement to the sign would the Sign Code be enforceable. He received an email that morning from Brenda Shields that reflected her testimony.

Ms. Hoffman had none.

Mr. Doherty spoke with Ms. Shields. He also spoke with Ms. Golding regarding the sign.

Ms. Wilson had none.

Mr. Buck was contacted by Ms. Shields regarding the noise issue.

Mr. Thomason and Mr. Vogelsang received emails from Ms. Shields regarding the noise issue.

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, on its second reading establishing a *Planned*

Unit Development: PUD Zoning District, approving a unified, mixed-use commercial and residential master development plan for the subject Beach Marine property.

Discussion:

Ms. Wilson asked Ms. Erdelyi if removing Section D, regarding the existing sign, would present a problem. Ms. Erdleyi answered the Council agreeing that the current Code would be applicable to the changeable copy portion of the sign would provide clarity. Ms. Erdelyi explained that the Code Enforcement Board did not give the owner the right to change the copy when they choose.

Amended Motion #1: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to delete all of Section 2, Paragraph D.

Mr. Thomason asked how would removing Section 2, Paragraph D affect Beach Marine in terms of how they operate their sign. Mr. Forbes stated that if it is determined that the sign is not being legally operated, then it would still go before Code Enforcement.

Amended Motion #1 carried unanimously.

Amended Motion #2: It was moved by Ms. Wilson and seconded by Ms. Hoffman, and passed unanimously to amend the original motion to add a new Section 2, Paragraph D. Marina – Commerical air boats shall not be allowed to operate originating from the subject property.

Mr. Vogelsang added that the Council should address the changeable copy time prior to any Code Enforcement action be taken.

Ms. Wilson commented that the DOT parking is not guaranteed parking for the Marina if they improve the spaces. Mr. Mann confirmed that those spaces are public parking spaces.

Mayor Latham asked Ms. Erdelyi if the Council had the ability to revisit the timing requirement for the changeable copy. She confirmed they could as long as everyone is treated the same.

Original Motion Roll Call Vote: Ayes – Vogelsang, Wilson, Buck, Doherty, Hoffman, Thomason, and Mayor Latham. The motion carried unanimously.

Findings of Fact: It was moved by Ms. Hoffman and seconded by Ms. Hoffman to approve the Findings of Fact for Ordinance No. 2016-8072 dated May 5, 2016. The motion carried unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 9:10 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:

William C. Latham, MAYOR

Date: _____

City of

Jacksonville Beach

City Hall

11 North Third Street

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May 24, 2016

MEMORANDUM

TO: The Honorable Mayor and
Members of the City Council

FROM: Jeri Benjamin, Pension Plan Administrator 

SUBJECT: *Appointment of Fifth Member to the Firefighters' and Police Officers' Pension Boards*

ACTION REQUESTED:

Appointment of a fifth member to serve on the Firefighters' and Police Officers' Retirement System Board of Trustees, respectively, is requested.

BACKGROUND:

Pursuant to the Jacksonville Beach Code of Ordinances Section 2-163.24 (b) and Section 2-164.24 (b) Board of Trustees, the Police Officers' Board and Firefighters' Board, respectively, consists of (5) members:

- (1) Two (2) members appointed by the city council, who shall be residents of the city.
- (2) Two (2) police officers and two (2) firefighters to be elected by the members of their respective retirement systems.
- (3) **A fifth member selected by the other four (4) members of their respective retirement systems and appointed, as a ministerial act, by the city council.**

At their May 10, 2016 Quarterly Pension Board meeting, the Firefighters' Retirement System Board of Trustees voted unanimously to reappoint Deborah White to serve as the fifth member. Mrs. White was originally appointed in May 2009.

At a Special Meeting held May 20, 2016, the Police Officers' Retirement System Board of Trustees voted unanimously to reappoint Jacqueline Thomason to serve as the fifth member. Mrs. Thomason was originally appointed in May 2013.

Both Mrs. White and Mrs. Thomason have indicated they would be willing to serve another two-year term.



Memorandum to
Mayor and Council
May 24, 2016
Page 2 of 2

RECOMMENDATION:

Reappoint Deborah White to serve as a trustee as the fifth member on the Firefighters' Retirement System Board, new two-year term to expire March 31, 2018.

Reappoint Jacqueline Thomason to serve as a trustee as the fifth member on the Police Officers' Retirement System Board, new two-year term to expire March 31, 2018.

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TO: The Honorable Mayor
Members of the City Council

FROM: George D. Forbes *GDF*
City Manager

SUBJECT: Budget Workshop Schedule

DATE: May 26, 2016

Action Requested

Approve the Council Budget Workshop Schedule. (Attached)

Background

As in the past, this year's budget workshops will be held in the conference room located behind the City Council chamber.

In addition to the Council Tour, this year's Budget Workshop Schedule provides for 4 workshops over a two-week period. It is designed to be informative for the Council and, by spreading the workshops out over two weeks, make it easier on the Council members' schedules.

Action Requested

Adopt the Budget Workshop Schedule as proposed by the City Manager in a memo dated May 26, 2016.

Attachment
GDF:ag



Budget Workshop Calendar

Date	Topic/Department Reviewed
Friday, 7-29 1:30-5:00 p.m.	Budget Tour of the City
Monday, 8-1 4:00-6:00 p.m.	Executive & Legislative Planning & Development Redevelopment Finance Human Resources
Tuesday, 8-2 5:00-7:00 p.m.	Fire Police
Monday, 8-8 5:00-7:00 p.m.	Public Works
Tuesday, 8-9 5:00-7:00 p.m.	Beaches Energy Services Parks & Recreation

ALL WORKSHOPS WILL BE HELD IN THE CONFERENCE ROOM BEHIND THE COUNCIL CHAMBER.

Tentative Dates for Budget Adoption:

First Reading: Wednesday, September 7
 City Hall, 6:00 p.m.

Second Reading: Wednesday, September 14
 City Hall, 6:00 p.m.

These dates may change, subject to the dates chosen by the School Board and the County.

City of

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2508 South Beach

Parkway

Jacksonville Beach

FL 32250

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Fax: 904.247.6143

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TO: George D. Forbes
City Manager

FROM: Mary Ellen Donner
Parks & Recreation Director

DATE: May 24, 2016

SUBJECT: Replacement Mowers for Parks & Recreation

ACTION REQUESTED:

Approve the purchase of a sidewinder mower and a contour rough mower for the Parks & Recreation Department.

BACKGROUND:

The Parks & Recreation Department is responsible for maintaining approximately 169 acres of grounds and turf at the City's facilities, parks, ballfields and golf course. Much of the equipment used to maintain these facilities is of a specialized nature and replaced infrequently.

The department is requesting the purchase of two (2) mowers:

- A **sidewinder mower** can be used to mow all parks, ballfields and the golf course. It is a triplex rotary mower and the free-floating cutting decks can shift from left to right, allowing it to mow medians and banks without the mower tipping over. This mower will replace Unit #G22, a Toro Groundsmaster 325 which was purchased in 1996 and has over 2,400 hours of use. The cost of the sidewinder mower is \$38,000.
- A **contour rough mower** can be used to mow all parks, ballfields and the golf course. The five (5) independent floating decks lift the grass for a cleaner cut. It is three times as wide as the mower currently is use, which will decrease staff mowing time as well as the number of staff required to perform the work. This mower will replace Unit G-74, a Rino PTO that was purchased in 2007 and has over 1,366 hours of use. The cost of this mower is \$25,000.



Funding for the purchase of these mowers will come from General Fund's unanticipated account. If approved, the Grounds Maintenance Division's budget will be adjusted in the year-end budget adjustment.

RECOMMENDATION:

Approve the purchase of a sidewinder mower and a contour rough mower as described in a memorandum from the Parks & Recreation Director dated May 24, 2016.

The Groundsmaster® 3500-G is a revolutionary triplex rotary mower designed for superior performance trimming. The free-floating Contour™ Plus cutting decks allow mowing of undulating terrain without scalping. The powerful 32.7 hp (24.4 kw) Kubota® engine and exclusive Series/Parallel™ traction drive system, gets the mowing job done quickly.



SIDEWINDER MOWER



CONTOUR ROUGH MOWER

City of

Jacksonville Beach

1460A Shetter Avenue

Jacksonville Beach

FL 32250

Phone: 904.247.6226

Fax: 904.270.1639

www.jacksonvillebeach.org



TO: George Forbes, City Manager

FROM: Jason Phitides, Property and Procurement Officer

DATE: March 24, 2016

RE: Award Bid No.1516-12, Roof Replacement and Rehabilitation Projects.

ACTION REQUESTED:

Award Bid Number 1516-12 Roof Replacement and Rehabilitation Projects to:

- *McCurdy-Walden, Inc.*, the lowest qualified bidder for the roof replacement at the Police Department,
and
- *Tecta America*, the lowest qualified bidder for the roof rehabilitations of the Meter Division and Animal Control Buildings at the O&M Facility.

BACKGROUND:

This bid includes the replacement of the roof at the Police Department and the rehabilitation of the roofing systems on the Meter Division and Animal Control buildings at the O&M Facility.

The roofing system at the Police Department is an asphalt shingle roof. It was installed in 1995 and is at the end of its useful life. A complete shingle replacement is necessary at this time.

The O&M Facility was built in 1995. The roof systems at the O&M Facility contain metal and flat roof sections. The flat roof sections are Modified Bitumen Roof systems, which consist of a membrane that is reinforced with fiberglass and polyester for strength, and bitumen to provide waterproofing. This roofing system has a lifespan of about twenty (20) years. The flat roof sections on these buildings have reached the end of their useful life. The metal sections have a much longer lifespan and do not require repair or replacement at this time.

Bid specifications required the replacement of shingles (on the Police Department building) and the rehabilitation of the modified bitumen roofing (at the O&M facilities). Rehabilitation includes the removal and replacement of damaged membrane and the preparation and application of a restorative coating to cover the entire flat roof section.

In order to obtain a comprehensive 20-year warranty, the bid was published in association with Tremco, Inc., a manufacturer of roofing supplies. Tremco was selected through competitive solicitation by The Cooperative Purchasing Network (TCPN) and will provide the long-term (20-year) warranty covering both labor and materials.

TCPN is a large pool of government and public entities that together, leverage purchasing potential through competitive solicitation in order to award contracts for commonly purchased goods and services.

To be eligible to bid, roofing contractors were required to be licensed in Florida, and be certified according to TCPN standards. The Property & Procurement Division sent bid invitations to five (5) qualified roofing contractors and received four (4) responses. Following is the bid tabulation:

ASPHALT SHINGLE ROOF

	Bidder	Police Dept.
1.	McCurdy-Walden	\$ 102,649
2.	Tecta America	\$ 107,500
3.	Barber & Assoc.	\$ 108,200
4.	Childers Roofing	\$ 113,500

MODIFIED BITUMEN ROOF SYSTEMS

	Bidder	Animal Control	Meter Division	GRAND TOTAL
1.	Tecta America	\$ 68,000	\$ 73,680	\$ 141,680
2.	Childers Roofing	\$ 70,800	\$ 71,300	\$ 142,100
3.	McCurdy-Walden	\$ 88,544	\$ 88,544	\$ 177,088
4.	Barber & Assoc.	\$ 98,200	\$ 90,800	\$ 189,000

Funding for these projects was budgeted in the 2016 Capital Improvements Plan. The remaining buildings at the O&M Facility (Administration and Garage) are scheduled for roof rehabilitation in the 2017 Capital Improvements Plan.

RECOMMENDATION:

Award Bid Number 1516-12 Roof Replacement and Rehabilitation Projects to:

- *McCurdy-Walden, Inc.*, the lowest qualified bidder for the roof replacement at the Police Department in the amount of \$102,649, and
- *Tecta America*, the lowest qualified bidder for the roof rehabilitations of the Meter Division and Animal Control Buildings at the O&M Facility, in the amount of \$141,680.

as described in the memorandum from the Property and Procurement Officer, dated March 24th 2016.

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TO: Mayor Latham
City Council Members

FROM: George Forbes
City Manager

DATE: May 26, 2016

SUBJECT: Resolution 1960-2016 establishing City Council policy regarding appointments to the Board of Adjustment, Community Redevelopment Agency and Planning Commission

ACTION REQUESTED:

Adopt Resolution 1960-2016 regarding appointments to the Board of Adjustment, Community Redevelopment Agency and Planning Commission.

BACKGROUND:

The City's Board of Adjustment, Community Redevelopment Agency, and Planning Commission serve an important purpose, making decisions or recommendations to the City Council. City Council members have indicated that they would like to formalize the process for appointing citizens to serve on these bodies.

The attached resolution formalizes the appointment process by:

- Requiring citizens wishing to apply for a vacancy to complete an application
- Requiring current members of a board, agency or commission who wish to be considered for reappointment to complete a new application prior to the end of their current term
- Requiring all persons wishing to be considered for appointment or reappointment to be interviewed
- Requiring applicants to indicate a primary and secondary choice of board, agency or commission on which they are interested in serving



- Directing the City Clerk to retain applications for a period of two years

In addition, to make it easier to manage the application, interview and appointment process, the resolution specifies that terms expire on December 31.

RECOMMENDATION:

Adopt Resolution 1960-2016 establishing City Council policy regarding appointments to the Board of Adjustment, Community Redevelopment Agency and Planning Commission as described in a memo from the City Manager dated May 26, 2016.

Introduced by: _____

Adopted: _____

RESOLUTION NO. 1960-2016

A RESOLUTION ESTABLISHING CITY COUNCIL POLICY REGARDING APPOINTMENT OF PERSONS TO MEMBERSHIP ON THE BOARD OF ADJUSTMENT, COMMUNITY REDEVELOPMENT AGENCY, AND PLANNING COMMISSION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Jacksonville Beach has boards, agencies and commissions that make decisions or provide recommendations to the City Council; and

WHEREAS, the City Council wishes to formalize the process and establish guidelines for the selections of persons to be members of City boards, agencies and commissions.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, THAT:

SECTION 1. This resolution applies to the Community Redevelopment Agency, the Board of Adjustment, and the Planning Commission.

SECTION 2. The City Council directs the City Clerk to periodically publicize the existence of a vacancy on the Board of Adjustment, Community Redevelopment Agency and Planning Commission, thereby requesting that interested persons, apply for a vacancy.

SECTION 3. The City Council directs the City Clerk to contact incumbent members of the Board of Adjustment, Community Redevelopment Agency and Planning Commission, thereby requesting that those persons wishing to be reappointed complete a new application.

SECTION 4. All applicants will designate on their application, the applicant's primary and secondary choice of the board agency or commission for which they wish to be considered for appointment.

SECTION 5. All applications will be retained for two years.

SECTION 6. All applicants for appointment or reappointment to a board, agency or commission will be interviewed by a committee that may include members of the City Council, the City Manager, or other City staff.

SECTION 7. Applicant interviews shall comply with the State of Florida's Sunshine Laws.

SECTION 8. At a subsequent, regularly scheduled City Council meeting, the City Council shall appoint persons to a board, agency or commission whom they consider to be the best candidate for the appointment.

SECTION 9. When a person is appointed to fill the unexpired term of a departing member, the new appointee's term shall end on the date the departing members' term would have ended.

SECTION 10. All appointments shall be made in conformity with applicable laws or ordinances governing the board, agency or commission.

SECTION 11. The term of office for all appointments shall expire on December 31.

SECTION 12. This Resolution shall become effective immediately upon its adoption.

AUTHENTICATED this ___ day of _____, 2016.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK

City of

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MEMORANDUM

To: George D. Forbes, City Manager

From: Heather Ireland, Senior Planner 

Re: Ordinance No. 2016-8073, amending the Land Development Code by adding "craft distillery" to the list of conditional uses in the City's *Industrial: I-1* zoning districts.

Date: May 5, 2016

ACTION REQUESTED:

Adopt Ordinance No. 2016-8073, amending Land Development Code Article VII, Division 2, Section 34-346, Paragraph (d) to add "craft distillery" to the list of conditional uses in *Industrial: I-1* zoning districts. (Applicant – Sean Espenship, *Jacksontucky Distillery, Inc.*)

BACKGROUND:

Staff was contacted by the applicant to discuss his idea of starting a proposed craft distillery at a location in one of the City's *Industrial: I-1* zoning districts. The applicant was informed by staff that a "craft distillery" was not an existing listed permitted or conditional use in *I-1* zoning districts, and that the Land Development Code (LDC) would have to be amended to make a craft distillery a permitted conditional use in that district.

A "craft distillery" is defined by Florida Statute as a licensed distillery that produces 75,000 or fewer gallons of distilled spirits per calendar year on its premises. The applicant has secured a location on Shetter Avenue in an *Industrial: I-1* zoning district for this purpose and would proceed with a Conditional Use Application for a craft distillery, should this text amendment be approved by the City Council. The applicant has stated in the application that there will be no tasting room on premises. The operations at the facility would consist of the distillation and wholesale distribution of product, the latter of which



is already a permitted use in *I-1* zoning districts. (Ref. LDC Section 34-346(b)(11)).

Currently, permitted manufacturing establishments in the *I-1* zoning districts include bakery products, apparel, wood cabinets, newspaper printing and publishing, commercial printing, luggage, computer, and office equipment, jewelry, and sign and specialty advertising. Allowing craft distillery establishments in *I-1* zoning districts as a conditional use, rather than as a permitted use, would give the Planning Commission the opportunity to review and control each individual site requested. Staff feels that this use would be generally compatible with the range of the other permitted and conditional uses in the *I-1* zoning districts, especially with no customer alcohol consumption on the premises.

The Planning Commission conducted a required public hearing on this proposed amendment on Monday, May 9, 2016 and recommended its approval by City Council.

RECOMMENDATION:

Adopt Ordinance No. 2016-8073, amending the Land Development Code to add "craft distillery" as a listed conditional use in *Industrial: I-1* zoning districts.

Introduced by: Council Member Jeanell Wilson
1st Reading: May 16, 2016
2nd Reading: _____

ORDINANCE NO. 2016-8073

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 34-346. INDUSTRIAL: I-1, PARAGRAPH (d) *CONDITIONAL USES* TO ADD “CRAFT DISTILLERY” AS SUBPARAGRAPH (11); TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. That Division 2, Section 34-346. Industrial: I-1, Paragraph (d) *Conditional uses* of Article VII. Zoning Districts of the Comprehensive Land Development Regulation of the City of Jacksonville Beach, Florida, is hereby amended by adding new subparagraph, Subparagraph (11), which shall henceforth read as follows:

Sec 34-346 Industrial: I-1

- (d) *Conditional uses*
- (11) Craft Distillery

SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are, to the extent that the same may conflict, hereby repealed.

SECTION 3. That this ordinance shall take effect upon its adoption by the City Council.

AUTHENTICATED THIS ___th DAY OF _____, A.D., 2016.

William C. Latham, Mayor

Laurie Scott, City Clerk

Sec. 34-346. Industrial district: I-1.

(a) *Purpose.* The industrial (I-1) zoning district is intended to implement the industrial land use district in the comprehensive plan. It is intended to apply to areas appropriate for general industrial uses which are not objectionable to surrounding land uses with regard to smoke, odor, fumes, and noise.

(b) *Permitted uses.* The following uses are permitted as of right in the I-1 zoning district.

- (1) Ornamental floraculture and nursery.
- (2) Veterinary services for animal specialties and kennels; provided animals are housed in enclosed, soundproofed buildings.
- (3) Lawn, garden and tree services.
- (4) Building contractors and subcontractors.
- (5) Manufacturing establishments producing the following products: Bakery products, apparel, wood cabinets, newspaper printing and publishing, commercial printing, luggage, computer and office equipment, jewelry, and sign and specialty advertising.
- (6) Manufacturer's display rooms.
- (7) Boat building and repairing.
- (8) General warehousing and storage.
- (9) Trucking and courier services.
- (10) Communications and utility services.
- (11) Wholesale trade establishments as follows: Motor vehicle supplies and parts, new; lumber and construction materials and other durable goods, except scrap and waste materials; paper and paper products, drugs, drug propieties and druggists' sundries, apparel, piece goods and notions; beer, wine and distilled alcoholic beverages; and flowers, nursery stock and florist's supplies.
- (12) Financial institutions, insurance and real estate offices.
- (13) Business service establishments as follows: Advertising, business and consumer credit reporting and collections; mailing, reproduction, commercial art, photography, and stenography; building services; computer programming, data processing and other computer services, personnel supply, and recording studio. For recording studios, no noise from activities within the studio may be audible from off of the property containing the studio.
- (14) Automotive repair shops, service stations, and carwashes.
- (15) Electrical repair; watch, clock and jewelry repair; reupholstery and furniture repair; and miscellaneous repair shops and related services.
- (16) Business and professional offices as follows: Landscape architects; doctors, dentists, and miscellaneous health offices and clinics; and engineering, architecture, accounting, research, management and related services.
- (17) Government use.
- (18) Essential public services.
- (19) Recreational services.

(c) *Accessory uses.* The following uses are permitted as accessory uses in the I-1 zoning district.

-
- (1) Any use customarily accessory to the permitted and conditional uses in the I-1 zoning district.
- (d) *Conditional uses.* The following uses are permitted as conditional uses in the I-1 zoning district, subject to the standards and procedures established in section 34-221 et seq.
- (1) Cemeteries.
 - (2) Used motor vehicle parts, wholesale.
 - (3) Processing and wholesale trade of scrap and waste materials, including junkyards, subject to section 34-445(d).
 - (4) Petroleum bulk stations and terminals, wholesale:
 - 5) Restaurants, except drive-ins.
 - (6) Convenience stores.
 - (7) Hotels and motels.
 - (8) Wholesale trade--nondurable goods, excluding farm products, chemical and allied products, and petroleum products.
 - (9) Educational services.
 - (10) Outdoor restaurants.
- (e) *Dimensional standards.* The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the I-1 zoning district.
- (1) *Minimum lot area:* None
 - (2) *Minimum lot width:* None.
 - (3) *Minimum yards:*
 - a. *Front yard:* Ten (10) feet.
 - b. *Side yard:* Five (5) feet, except for a corner lot. On a corner lot, the side yard facing the corner shall be ten (10) feet.
 - c. *Rear yard:* None.
 - (4) *Floor area:* None.
 - (5) *Maximum lot coverage:* Eighty-five (85) percent.
 - (6) *Height:* Thirty-five (35) feet.
- (f) *Off-street parking and loading.* The off-street parking and loading standards for the I-1 zoning district are found in Article VIII, Division 1.
- (g) *Supplemental standards.* The supplemental standards for the I-1 zoning district are found in Article VIII, Division 2.
- (h) *Landscape standards.* The landscape standards for the I-1 zoning district are found in Article VIII, Division 3.
- (i) *Sign standards.* The sign standards for the I-1 zoning district are found in Article VIII, Division 4.
- (j) *Environmental standards.* The environmental standards for the I-1 zoning district are found in Article VIII, Division 5.



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MEMORANDUM

To: George D. Forbes, City Manager
From: Heather Ireland, Senior Planner 
Re: **Ordinance No. 2016-8077**, amending Ordinance No. 2006-7928, as amended, for the *South Beach Regional Shopping Center* Planned Unit Development, to allow for the outside storage and display of merchandise and carts at the Home Depot store.
Date: May 26, 2016

ACTION REQUESTED:

Adopt Ordinance No. 2016-8077, amending Ordinance No. 2006-7928, as amended, for the *South Beach Regional Shopping Center* Planned Unit Development, to allow for the outside storage and display of merchandise at the Home Depot Store.

BACKGROUND:

Staff recently met with an owner representative for the *South Beach Regional Shopping Center* and representatives from the *Home Depot* to discuss the issue of outside storage and display of merchandise at the retail center, and specifically, on the Home Depot parcel. They were informed by staff that the existing Planned Unit Development (PUD) Ordinance governing the entire center specifically prohibited the outside storage and display of products and materials, and that changing this prohibition would require an amendment to the PUD ordinance. In response, the owner of *South Beach Regional Shopping Center* submitted an application to amend the Planned Unit Development: PUD ordinance currently governing the center.

When it was adopted in 1989, PUD Ordinance No. 7411 included specific "Conditions of Approval of Final Development Plan". Specifically, Condition No. 11 stated, "There will be no outside storage of any kind on the shopping center property, including, but not limited to use of palletized storage or semi-trailers."



In 2006, the PUD was amended to allow the *Home Depot* to replace the former *K-Mart* store at the east end of the center. Ordinance No. 2006-7928, approving the *Home Depot* store, specifically reiterated and expanded on the prohibition of outside storage and display of merchandise contained in Ordinance No. 7411 by approving the following conditions, specifically related to the proposed Home Depot store (referred to as the *K-Mart* parcel in the original PUD):

- There shall be no outside storage of goods or services offered or empty cartons/pallets at any time, to include but not be limited to, storage in portable storage units, except that empty pallets, baled cardboard, and recyclable items may be stored within the truck well adjacent to the compactor, at the northwest corner of the building.
- There shall be no outside storage or display of propane bottles except in the area of the truck well on the north side of the garden center.
- All shopping carts and lumber dollies shall be stored in the building or in the parking lot cart corrals during business hours and within the building before and after business hours.
- There shall be no outside display of goods and services.

The property owner is requesting that the PUD language in Ordinance 2006-7928 be amended to permit the outside display and storage of merchandise at the *Home Depot* retail store. The requested amendment language is provided in the attached draft Ordinance No. 2016-8077, presented in Section 2 and represented in ~~strike through deletion~~/underlined addition format.

Staff has reviewed the requested amendments with the Fire Marshal, and the display of merchandise in front of the store and garden center would not necessarily compromise emergency access, so long as the entry/exit ways for the store remain unblocked at all times. He did indicate that if the request were approved, any areas approved for such outside display under the front canopy of the store would need to be fire sprinklered.

This request was considered by the Planning Commission on May 23, 2016. Staff suggested to the Planning Commission that any such approval should carry with it a site plan with specifically delineated areas where outside merchandise display/storage would be allowed throughout the center, and, if appropriate, what times during each year when such display would be allowed. This detailed

information was not made available at the time of the Planning Commission public hearing. The applicant's narrative implied that the PUD amendments would apply to the entire shopping center, however, at the Planning Commission meeting on May 23, 2016, the applicant and representatives from the *Home Depot* clarified that the request was specific only to the *Home Depot* space at this time.

The Planning Commission unanimously recommended that City Council deny the requested PUD amendment, based on there being no change in circumstances at the center from 2006 when *Home Depot* agreed to the detailed conditions in Ordinance No. 2006-7928 related to outside display and storage of materials, products.

Following the Planning Commission hearing, *Home Depot* representatives provided staff with a site plan showing the outside areas where they would like to be able to display or store merchandise, should their request be approved. That site plan is attached as Exhibit A to Ordinance 2016-8077.

RECOMMENDATION:

Adopt Ordinance No. 2016-8077, amending Ordinance No. 7411, as amended, governing the *South Beach Regional Shopping Center*, to allow the outside display and storage of merchandise and carts within the *Home Depot* parcel of the center.

FINDINGS OF FACT CRITERIA
Zoning Amendment

FINDINGS OF FACT

The findings of fact should be a citation of facts about the application that the approval body finds to be true and which lead to its conclusion that the application conforms or fails to conform to one or more applicable approval criteria. A copy of an outline of information regarding findings of fact is attached for your use.

APPROVAL CRITERIA

The approval criteria for a zoning amendment application are spelled in Sec. 34-211 of the LDC as follows:

Sec. 34-211. Action by city council following public hearing.

- (a) After the review and recommendation of the planning commission, the application shall be scheduled for consideration at either one (1) or two (2) public hearings by the city council, pursuant to section 34-208.
- (b) The city council shall consider the application, all relevant support materials, the staff report and recommendation of the planning and development director, the recommendation of the planning commission, and the testimony given at the public hearing.
- (c) After the close of the public hearing or hearings, whichever is appropriate, the city council shall consider the adoption of an ordinance enacting the proposed amendment based on one (1) or more of the following factors, provided however, that in no event shall an amendment be approved which will result in an adverse community change in which the proposed development is located.
 - (1) Whether the proposed amendment is consistent with the comprehensive plan;
 - (2) Whether the proposed amendment is in conflict with any portion of the LDC;
 - (3) Whether and the extent to which the proposed amendment is consistent with existing and proposed land uses;
 - (4) Whether and the extent to which there are any changed conditions that require an amendment;
 - (5) Whether and the extent to which the proposed amendment would result in demands on public facilities, and whether and the extent to which the proposed amendment would exceed the level of service standards established for public facilities in the comprehensive plan;
 - (6) Whether, and the extent to which, zoning district boundaries are not properly drawn on the official zoning atlas;
 - (7) Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment, including, but not limited to, water, air,

stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the coastal environment;

- (8) Whether and the extent to which the proposed amendment would adversely affect the property values in the area;
- (9) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern;
- (10) Whether it is impossible to find other lands in the city for the proposed use in a zoning district that permits such use as of right.

Introduced by: _____
1st Reading: _____
2nd Reading: _____

ORDINANCE NO. 2016-8077

AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT ORDINANCE NO. 7411, AS AMENDED, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND PLAN FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.

WHEREAS, the City Council of the City of Jacksonville Beach, Florida, heretofore enacted and established a Land Development Code and Zoning Atlas for said City; and

WHEREAS, the City Council approved the rezoning of certain lands in the City from *Residential, single family: RS-1 to Planned Unit Development: PUD* on April 24, 1989, establishing the South Beach Regional Shopping Center; pursuant to Ordinance No. 7411, as amended by Ordinance No. 7436, Ordinance No. 95-7635, Ordinance No. 2006-7928, Ordinance No. 2009-7972 and Ordinance 2013-8033; and

WHEREAS, the owner of the South Beach Regional Shopping Center property desires to modify the conditions approved via Ordinance No. 2006-7928 related to the outside storage and display of merchandise and shopping and lumber carts within the K-Mart parcel of the center, which parcel is currently occupied by a Home Depot retail store, and

WHEREAS, such modification would require an amendment to the PUD ordinance governing said South Beach Regional Shopping Center; and

WHEREAS, the City Council has considered the application, all relevant support materials, the staff report, the recommendation of the Planning Commission, and public testimony given at the public hearings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. The City Council has considered the adoption of this ordinance based on one or more of the factors listed in Section 34-211(c) of the Land Development Code and hereby finds that this amendment will not result in an adverse change in the community in which it is located.

SECTION 2. That Section 1. Paragraph E, of Ordinance No. 7411, as amended by Ordinance No. 2006-7928, is hereby amended, and as amended shall henceforth read as follows:

E. The following additional conditions shall apply within the K-Mart Parcel:

1. There shall be no outside speakers permitted.
2. There shall be no net reduction in landscaping within the PUD. Any tree removed from the parking area in front of the building shall be relocated or replaced within the K-Mart parcel with a tree of the same species and caliper.
3. There shall be the same number of tree planter boxes containing plant material of the same quality as are now located along the driveway on the south side of the building. The tree planter boxes shall be permanently fixed in place.
4. There shall be no outside storage of goods or services offered or empty cartons/pallets at any time, to include but not limited to storage in portable storage units, except that empty pallets, baled cardboard and recyclable items may be stored within the truck well area, adjacent to the compactor, at the northwest corner of the building, and merchandise may be stored and staged along the outside of the north wall of the Home Depot store building, as shown on Exhibit A hereto (Ordinance No. 2016-8077).
5. There shall be no outside storage or display of propane bottles except in the area of the truck well or the north side of the garden center.
6. All shopping carts and lumber dollies shall be stored ~~in the building or in parking lot cart corrals during business hours~~ and within the building before and after business hours, but may be stored in front of the building, as shown on Exhibit A hereto (Ordinance No. 2016-8077), during business hours.
7. There shall be no use of semi-trailers at any time to either store items in or sell merchandise from.
8. ~~There shall be no outside display of goods or services.~~ Outside display of merchandise shall be allowed adjacent to the entry and exit doors to the building and garden center, as shown on Exhibit A hereto (Ordinance No. 2016-8077), however, clear ingress and egress shall be required to be maintained to the building and garden center, and clear sidewalk access shall be maintained to the balance of the shopping center spaces to the west at all times. All such areas located under the front canopy of the building used for outside display of merchandise shall be fully fire sprinklered.
9. There shall be no outside repair of powered products at any time.
10. A 12-foot high decorative pre-cast concrete post and panel screen wall system shall

be installed along the northern property boundary, extending from the access drive at the northeast corner of the K-Mart Parcel westerly to the western most edge of the K-Mart Parcel. Such wall system shall have a stone texture on both sides and be integrally colored, and shall be installed as close as possible to the curb line of the rear service driveway to maximize preservation of existing trees and shrubs.

11. Such wall shall be installed and maintained prior to the demolition of the vacant K-Mart building, and shall include a climbing vine to be planted every four linear feet along the north side of the wall.
12. All outdoor lighting and supports shall match the lighting and supports now existing in the PUD, and shall be designed and installed in a manner that will prevent harsh glare or excessive light from spilling onto adjacent property or streets.
13. The demolition and construction contractors shall maintain an effective dust control program during the entire time that the existing building is being removed and the new building is constructed.
14. There shall be no loading/unloading of any type of semi-trailers from any other entrance other than the primary loading area at the northwest corner of the Home Depot building, except that the loading and unloading of lumber shall be permitted between the hours of 9:00 PM and Midnight through the customer pick-up canopy on the east side of the building. During such outdoor loading/unloading operations, the engine of any vehicle being loaded or unloaded shall be turned off, and any audible back-up alarms of vehicles loading and unloading materials shall be deactivated
15. The Jacksonville Drive entrance to the shopping center shall not be used by semi-trailer trucks delivering merchandise to the Home Depot.
16. The canopy over the lumber service area shall have a concrete barrel tile roof, consistent in appearance with the tile elements across the front of the building.
17. There shall be no vendors of any type operating outside of the building.
18. Home Depot shall not expand outside of the K-Mart Parcel within South Beach Regional Shopping Center.
19. The building elevations sheet dated September 11, 2006, attached hereto as Exhibit B, shall be incorporated by reference into this PUD amendment.

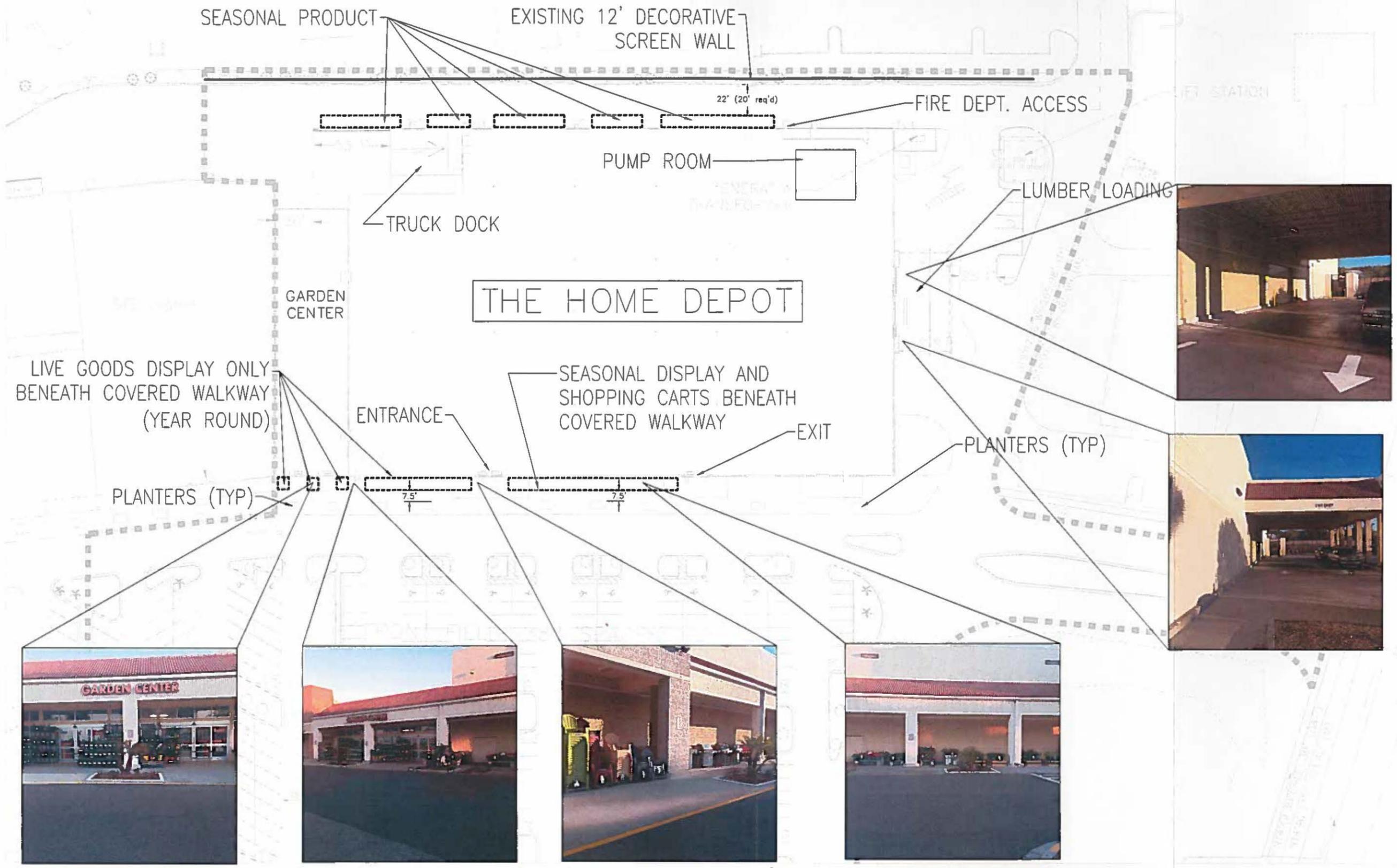
SECTION 3. All ordinances or parts of ordinances in conflict herewith be and the same are, to the extent the same may in conflict, hereby repealed.

SECTION 4. This ordinance shall take effect upon its adoption and recordation with the Clerk of Circuit Court, Duval County, Florida.

AUTHENTICATED THIS _____ day of _____, 2016.

William C. Latham, MAYOR

Laurie Scott, CITY CLERK



THE HOME DEPOT - JACKSONVILLE BEACH, FL
 (NEQ) 3RD STREET & BUTLER BLVD



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