

**Minutes of Regular City Council Meeting
held Monday, March 20, 2017, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



OPENING CEREMONIES:

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

CALL TO ORDER:

Mayor Latham called the meeting to order at 7:00 P.M.

ROLL CALL:

Mayor: William C. Latham

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

Also present were City Manager George Forbes, City Attorney Susan Erdelyi, City Clerk Laurie Scott, Planning and Development Director Bill Mann and Staff Assistant Mandy Murnane.

APPROVAL OF MINUTES

It was moved by Ms. Wilson, seconded by Mr. Doherty, and passed unanimously, to approve the following minutes:

- Council Briefing held March 6, 2017
- Regular City Council Meeting held March 6, 2017

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

Speakers:

- Aden Thrower, 13852 Soft Wind Trail North, Jacksonville, briefed the City Council on the bicycle repair stations and provided the Council Members with handouts regarding the 'Dero-Fix It, Bike Service Station.' Mr. Thrower requested the Council considers the installation of the bike service stations around Jacksonville Beach.
- Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach, commented on the progress made by the City of Jacksonville Beach in the areas of safety, public art, need for additional family-friendly restaurants, and concerns about the redevelopment of existing residential areas.

MAYOR AND CITY COUNCIL

(a) Item # 17-045, Proclamation – 105th Birthday of the Girl Scouts

Mayor Latham presented the Proclamation for the 105th Anniversary of the Girls Scouts, sponsored by Council Member Thomason, to the St. Joseph Missionary Baptist Church “Black Bottom Girl Scout Troops.”

CITY CLERK

CITY MANAGER

(a) Item # 17-041, Accept the Monthly Financial Reports for the Month of February 2017

Motion: It was moved by Ms. Wilson and seconded by Mr. Doherty, to accept the financial reports for the month of February 2017, as submitted by the Chief Financial Officer.

Mayor Latham requested a roll call vote, as there was no discussion on the item.

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

(b) Item # 17-042, Approve a Commercial Lease Agreement with O.K. Motorsports, LLC for Property at the Industrial Park:

Motion: It was moved by Ms. Wilson and seconded by Mr. Doherty, to authorize the City Manager and the Mayor to execute a lease with O.K. Motorsports, LLC for the property at the Jacksonville Beach Industrial Park, as described in the memorandum from the Property & Procurement Officer dated March 8th, 2017.

Mr. Forbes explained that the tenant would like to lease 10,059 square feet of vacant land at the Industrial Park as storage for additional trailer inventory. The proposed use is acceptable under Section 34-346 Industrial District: I-1 zoning.

Mr. Forbes noted key provisions of this lease are as follows:

- The lease is for a period of one year, with options to renew for one-year increments at the discretion of the City Manager.
- Use of the land is solely for storage of trailer inventory.

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

(c) Item # 17-037, Approve the Attached Final Plat for the Nine-Lot Colonies Single Family Residential Subdivision.

Motion: It was moved by Ms. Wilson and seconded by Mr. Doherty, to approve the Final Plat for the nine-lot *Colonies* single-family residential subdivision.

Mr. Forbes opened the discussion by explaining that the applicant is in the process of subdividing two adjacent vacant residential parcels that he proposes to subdivide into nine single-family lots. The subject property is located in a residential, single-family: RS-2 zoning district and is currently vacant land. The new single-family lots will all front on Colonies Drive, and each lot meets the minimum size and dimensional requirements for single-family lots in RS-2 zoning districts.

The main concern is that at one point, a city landfill existed behind this property.

Mr. Forbes summarized the conditions to be met in order for the developers to proceed as follows:

- Ponds and in-ground swimming pools are allowed only on lots where solid waste has been removed.
- Vegetable gardens and fruit trees are prohibited unless grown in raised gardens or pots.
- No wells are permitted.
- Any solid waste removed, shall be properly disposed of at a permitted solid waste disposal facility.

Mayor Latham introduced the representative for Nacana Partners, Chris Ward.

Mr. Thomason asked Mr. Ward who had performed the environmental testing.

Mr. Ward stated Taylor Environmental Services, an independent company located in Neptune Beach, had completed the testing and provided the report.

Mr. Thomason asked City Attorney, Susan Erdelyi, if the City could legally insist on deed restrictions for the properties in order for all future subsequent owners to be made aware of the conditions on a title search.

Ms. Erdelyi responded that deed restrictions are only enforceable between the Grantor and the Grantee. The deed restrictions are currently on the plat and as a municipality, the City's legal authority is limited. Specific restrictions could potentially be added to each individual lot as well.

Mr. Thomason commented that from a moral standpoint, he wants to be sure that anyone who lives in one of these residences going forward knows what they are getting into. The information should be passed onto a second owner. He added that the City should do whatever can be done legally to notify the homeowners.

Mr. Vogelsang, Ms. Wilson and Mr. Doherty all shared their concern of future owners. Ms. Erdelyi stated a title search should show all of the conditions and that the City has no authority on enforcing deed restrictions.

Mayor Latham was concerned about the possible presence of pressure treated wood, which contains arsenic. Mr. Ward stated the decomposition has already taken place and the geotechnical samples will be unique to each lot based off of the results and required sampling.

Ms. Erdelyi assured the Council that there was no legal reason to disapprove of the plat since all of the criteria has been met.

Upon request of Mayor Latham, Mr. Ward confirmed that they were required to disclose all future harmful testing results to the agencies involved. Mr. Ward also stated a professional engineer would complete a geotechnical analysis and combustible gas survey to establish parameters for construction. The findings will be provided to the City of Jacksonville Beach Building Division for review before the issuance of any building permits.

Mayor Latham asked Mr. Mann what the setback is for the newly platted property and the distance on the original landfill footprint.

Mr. Mann responded the property is an RS-2 with a 20-foot front yard setback, combination 15-foot setback on the sides, and a rear setback of 30 feet. There was no document that specifies the landfill perimeter at the time it was in use.

Roll call vote: Ayes – Vogelsang, Wilson, Buck, Doherty, and Mayor Latham
Nays – Thomason
The motion carried 5-1.

RESOLUTIONS:

(a) Item # 17-043, RESOLUTION NO. 1973-2017

Mayor Latham requested that the City Clerk read Resolution No. 1973-2017, by title only, whereupon Ms. Scott read the following:

“A RESOLUTION TO AMEND THE COMMUNITY REDEVELOPMENT PLAN FOR THE SOUTH BEACH REDEVELOPMENT AREA FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PREVIOUSLY AMENDED, ACCORDING TO THE REQUIREMENTS OF THE COMMUNITY REDEVELOPMENT ACT OF 1969, TO PROVIDE FOR MAINTENANCE AND REPAIR OF TAX INCREMENT FINANCED CAPITAL INVESTMENTS; AND FOR OTHER PURPOSES.”

Motion: It was moved by Ms. Wilson and seconded by Mr. Doherty, to adopt Resolution No. 1973-2017, amending the South Beach Community Redevelopment Plan to provide for the maintenance and repair of Tax Increment funded capital investments within the South Beach Community Redevelopment Area.

Mr. Forbes briefed the Council Members on the Resolution which would provide the authority to maintain the South Beach Area facilities originally constructed with redevelopment funds.

Mr. Mann said the City of Jacksonville had received a copy of the draft Resolution and had no objections.

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

ORDINANCES:

(a) Item # 17-044, ORDINANCE NO. 2017-8087 (Second Reading) (Public Hearing)

Mayor Latham requested that the City Clerk read Ordinance No. 2017-8086 (Second Reading), by title only, whereupon Ms. Scott read the following:

“AN ORDINANCE ESTABLISHING A REDEVELOPMENT DISTRICT: RD ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY. (This ordinance would allow the development of an eight-story, mixed-use multifamily residential, hotel, and commercial development on 1st Street North between 6th and 7th Avenues North -previously Atlantis Hotel)”

Mayor Latham read the following:

“This ordinance to amend the PUD zoning regulations of a 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 to amend the zoning regulations governing a property is handled as a ‘quasi-judicial’ proceeding. A quasi-judicial proceeding means that a governing body is now functioning in a manner similar to a court with the Mayor and Council sitting as impartial decision makers hearing testimony and questioning presenters, who are to provide substantial and competent evidence to support their side of the issue. It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed use on the neighborhood, especially where the input is fact-based and not a simple expression of opinion.

It is the applicant’s burden to demonstrate that their application is consistent with the Land Development Code and the Comprehensive Plan. If the applicant is successful in showing consistency, then it is up to the local government to produce competent, substantial evidence of record that the application should be denied. The Council’s decision on a zoning amendment application is based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria.

In addition, the Council has received a copy of the application, and the staff and Planning Commission reports on this PUD zoning amendment request.”

Public Hearing:

Mayor Latham opened the public hearing on Ordinance No. 2017-8087, and asked for a spokesperson for the applicant to address the City Council.

Speakers:

Mark Shelton, a representative of Kimley-Horn and Associates, stated the reuse of the commercial, oceanfront property requires a rezoning from C-1 to RD. The project has received positive commentary and has a projected planning commencement date of

2018.

There were no speakers in opposition to the project.

Ms. Erdelyi had no additional comments.

Mayor Latham closed the Public Hearing.

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 received a call from Wyman Duggan of Rogers Towers about any known impediments to this proceeding and he replied stating there were none known to him personally.

Phil Vogelsang also received a call from Wyman Duggan of Rogers Towers about any concerns or suggestions.

There were no other ex parte communications from the City Council.

Motion: It was moved by Ms. Wilson and seconded by Mr. Doherty, to adopt Ordinance Number 2017-8087, establishing a Redevelopment District: RD zoning district within the City, as provided under Chapter 34 of the Code of Ordinances of the City, to allow the development of an eight-story, mixed-use multifamily residential, hotel and commercial use project. (Applicant – Atlantis Beach Partners, LLC)

Discussion:

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.”

Upon request of Ms. Wilson, Mr. Mann affirmed the Seawalk area would be built by the developer and would be open to the public.

Mayor Latham and Mr. Vogelsang stated their support of the project.

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

Motion: It was moved by Ms. Wilson and seconded by Mr. Doherty, to approve the Findings of Fact, dated March 20, 2017.

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

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:12 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



William C. Latham, MAYOR

Date: 4/3/17