

**Minutes of Regular City Council Meeting
held Monday, June 5, 2017, at 7:10 P.M.
in the Council Chambers, 11 North 3rd 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 7:10 P.M.

ROLL CALL:

Mayor: William C. Latham

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

Also present were City Manager George Forbes, Assistant City Clerk Catherine Ponson, and Staff Assistant Mandy Murnane.

APPROVAL OF MINUTES

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

- City Council Briefing held May 15, 2017
- Regular City Council Meeting held May 15, 2017

ANNOUNCEMENTS

COURTESY OF THE FLOOR TO VISITORS

Speakers:

- Casey Jones, 358 11th Street, Atlantic Beach, spoke regarding sea turtle protection.

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

(a) Item #17-088, Appointment of Member to the Board of Adjustment

Motion: It was moved by Ms. Wilson and seconded by Mr. Vogelsang, to nominate Sylvia Osewalt for reappointment to the Board of Adjustment for a four-year term expiring December 31, 2020.

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

(b) Item #17-089, Appointment of Members and Alternates to Planning Commission

Motion: It was moved by Mr. Thomason and seconded by Ms. Wilson, to nominate Dr. Georgette Dumont for reappointment to the Planning Commission for a four-year term expiring December 31, 2020.

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

Motion: It was moved by Mr. Thomason and seconded by Ms. Hoffman, to nominate Mr. Britton Sanders to the Planning Commission to replace Mr. Terry DeLoach, for a four-year term expiring on December 31, 2020.

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

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to nominate Ms. Margo Moehring to fill the remainder of the term of the first alternate term expiring on December 31, 2020.

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

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to nominate Mr. Jason Lee as the second alternate to the Planning Commission for a four-year term expiring on December 31, 2020.

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

(c) Item #17-090, Appointment of Two Members to the Community Redevelopment Agency

Motion: It was moved by Mr. Thomason and seconded by Ms. Hoffman, to nominate Ms. Frances Povloski for one of the two positions for a new four-year term on the Community Redevelopment Agency, expiring on December 31, 2020.

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

Cory Nichols, 1107 1st Street South, Unit C, Jacksonville Beach, requested reappointment to the Community Redevelopment Agency for four years.

Motion: It was moved by Mr. Thomason and seconded by Mr. Buck, to nominate Mr. Samuel Hall, Jr., to an appointment to the Community Redevelopment Agency for a new four-year term expiring on December 31, 2020.

Motion: It was moved by Ms. Wilson to nominate Mr. Jon McGowan to the Community Redevelopment Agency for a new four-year term, expiring on December 31, 2020.

The motion died for lack of a second.

Roll call vote: Ayes – Hoffman, Thomason, Vogelsang, Buck, and Mayor Latham.
Nays – Wilson.
The motion passed by a 5-1 vote.

(d) Item #17-091, Adopt Special Events Policy

Mayor Latham proposed tabling this item until a workshop can be held to seek public input on the Special Events Policy.

Ms. Hoffman agreed with Mayor Latham and commended Deputy City Manager Trish Roberts on the classification of the city-contracted events.

Mr. Thomason thanked City staff for the work on this policy. He added there were issues he would like legal advice on and supports having a workshop where residents and business owners can be heard from.

Ms. Wilson stated her support of a public workshop.

Mr. Vogelsang stated he is abstaining from voting on this issue as he has a business associate who sponsors a Special Event in Jacksonville Beach. He submitted Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Public Officers. He also thanked City staff for the effort and time clarifying the issues.

The Special Events Policy was tabled by a voice vote of all ayes until a workshop can be held to receive public input.

(e) Item #17-092, Approve an Amendment to the Commercial Lease Agreement with Four Brothers of Jacksonville, Inc. for a Temporary Reduction to the Monthly Lease Rate

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to approve an amendment to the Commercial Lease Agreement with Four Brothers of Jacksonville, Inc., for a temporary reduction to the monthly lease rate to \$2,529 per month for 12 months beginning June 2017 through May 2018, as described in the memorandum from the Director of Parks and Recreation dated May 19, 2017.

Mr. Forbes explained the monthly lease rate for Four Brothers of Jacksonville Inc., was reduced to \$1,500 in November 2016 due to a reduction in play at the Golf Course. This proposed rate is an increase from \$1,500 to \$2,529 for 12 months. At the end of that period, the monthly lease rate would revert to the original monthly rate of \$3,000.

Ms. Wilson questioned if the tenant was current on their monthly payments and was the commercial tax paid in addition to the monthly lease.

Jason Phitides, Parks and Recreation Director, confirmed that the tenant is current in paying the lease, the commercial tax is included, and the new rate would be retroactive to June 1, 2017.

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

(f) Item #17-094, Approval of Bid No. 1617-11 – Electric Supplies – 12 Months Requirements

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to award Bid No. 1617-11 to the lowest bidders meeting specifications as explained in the memorandum from Beaches Energy Services Director dated May 18, 2017.

Mr. Forbes stated the City of Jacksonville Beach solicited bids from six vendors. On May 10, 2017, six bids were received for Bid No. 1617-11. This bid covers 30 different items stocked in the storeroom for use by Beaches Energy Services for maintenance of the overhead and underground electric system.

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

RESOLUTIONS

ORDINANCES:

(a) Item # 17-095, ORDINANCE NO. 2016-8082, Second Reading

Mayor Latham requested that the City Clerk read Ordinance No. 2016-8082 (Second Reading), by title only, whereupon Ms. Ponson read the following:

“AN ORDINANCE TO REPEAL IN ITS ENTIRETY CHAPTER 18 "NOISE", OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AND REPLACING IT WITH A NEW CHAPTER 18, THAT INCLUDES SECTION 18-7 "LOW VOLUME OUTDOOR AMPLIFIED AND ACOUSTIC SOUND", PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to amend Ordinance 2016-8082 by:

- a. Amending Section 18-5(a)(2) to read as follows: After the person or persons responsible for the noise are given such notice, the person

responsible for the noise shall instantly comply with the limits of Table I in Section 18-3(d)(1).

- b. Amending Section 18-5(b)(1) by striking the words, “within a reasonable time” and inserting the word, “instantly.”

Mr. Forbes stated the Downtown Action Plan directed staff to research and present an ordinance that would allow establishments that provide outdoor dining to play music at low volume to further increase the beach ambiance while seeking to protect, preserve and promote the health, safety, and quality of life of its residents and visitors.

The result is the new section of the Code of Ordinances, Section 18-7, “Low Volume Outdoor and Acoustic Sound.” This allows for outdoor dining with background sound played at low volume. This is a pilot project that expires on June 5, 2018, unless re-adopted by the City Council.

Low volume is defined in the ordinance as “sound played at a level such that a person outside of the property line of the source of the sound, speaking in a normal tone of voice, is plainly audible and can be heard clearly and understandably by another person standing a maximum of thirty-six inches (36”) away from the person speaking, without the aid of a listening device.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance 2016-8082, which repeals the existing Chapter 18 “Noise” in its entirety, and replace it with a new chapter on noise that includes a section on Low Volume Outdoor Amplified and Acoustic Sound Permits.

Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach, spoke in opposition of Ordinance No. 2016-8082.

Sara Ashauer, 1415 1st Street North, # 1210, Jacksonville Beach, spoke in opposition of Ordinance No. 2016-8082.

Brenda Shields, 315 18th Street North, Jacksonville Beach, stated her concerns regarding Ordinance No. 2016-8082.

Shandy Thompson, 522 3rd Avenue South, Jacksonville Beach, filled out a speaker card in support of Ordinance No. 2016-8082 but did not wish to address the Council.

Ms. Wilson stated she had concerns regarding the effect on the residents and she would like more time to review the ordinance. She suggested a workshop to receive public input.

Mr. Vogelsang commented he would not support tabling this item. He stated the concerns of the residents deal with the grandfather clause of the old policy and this ordinance adds the ambient noise for businesses to apply for a permit.

Mr. Thomason stated he had concerns with the possible increase in a number of noise

complaints to the Police Department. Mr. Thomason questioned if there is an unusually high number of complaints, is it possible to bring this back prior to the expiration date for reconsideration. Mr. Forbes confirmed that it could be brought back to the Council if there are problems.

Ms. Hoffman stated this ordinance would assist in enforcing the noise ordinance as businesses would have to self-identify and the permits could be revoked.

Roll call vote (both motions): Ayes – Buck, Hoffman, Thomason, Vogelsang and Mayor Latham.

Nays – Wilson.

(b) Item # 17-096, ORDINANCE NO. 2017-8088, Second Reading

Mayor Latham requested that the Clerk read Ordinance No. 2017-8088 (Second Reading), by title only, whereupon Ms. Ponson read the following:

“AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; AMENDING CHAPTER 5, "ANIMALS AND FOWL," ARTICLE III. - DOGS AND CATS, DIVISION 1. - IN GENERAL, SECTION 5-24 "DANGEROUS DOGS," SECTION 5-24.1 "ATTACK OR BITE BY DANGEROUS DOG."; AMENDING TO APPEAL TO THE CIRCUIT COURT AND NOT COUNTY COURT, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt City Ordinance No. 2017-8088 amending specified sections of Chapter 5, Section 5-24, “Dangerous dogs” and Section 5-24.1 “Attack or bite by dangerous dog.”

Mr. Forbes explained that this ordinance is to ensure our Dangerous Dog Ordinance complies with new State Laws by stating there are 30 days to appeal instead of ten days and the appeal must be made to Circuit Court.

Mr. Thomason pointed out that on the second page, the date should read “June” and not “May.”

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

(c) Item # 17-097, ORDINANCE NO. 2017-8089, Second Reading

Mayor Latham requested that the Clerk read Ordinance No. 2017-8089 (Second Reading), by title only, whereupon Ms. Ponson read the following:

“AN ORDINANCE TO AMEND REDEVELOPMENT DISTRICT: RD ORDINANCE NO. 2016-8070, 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. (This amends the currently approved RD ordinance governing the property at the northwest corner of 1st Street North and 6th Avenue North by increasing the number of hotel rooms and by providing a revised site plan and building elevation drawing)”

Motion: It was moved by Ms. Wilson and seconded by Ms. Hoffman, to adopt Ordinance No. 2017-8089, to amend Redevelopment District: RD Ordinance No. 2016-8070 governing the property located on the northwest corner of 1st Street North and 6th Avenue North.

Mr. Forbes explained this project already has been approved and the applicant is asking to make some changes. The Redevelopment District amendment seeks to amend the approved project to:

- Provide 57 hotel rooms instead of 36;
- Provide 54 apartments;
- Increase the number of parking spaces from 164 to 193 spaces; and
- The applicant has also selected a different architect and would like to replace the approved building site plan and elevation drawings with the new design for the project.

Speakers:

David Pennington, 768 2nd Street North, Jacksonville Beach, stated he had concerns regarding the compactor and transformer locations. He also stated there is no greenspace proposed for the location. He requested that the Council consider the impact on the area.

Grace Stewart, 710 2nd Street North, Jacksonville Beach, stated she had questions regarding if there were special exceptions regarding setbacks, if all the rooms were short-term rentals, and if there was a traffic study done at 2nd Street and 6th Avenue. She also had concerns about the location of the garbage dumpster, transformer and the entrances to the property. She stated all four sides of the building should be reviewed before approval.

George Sherwood, 734 2nd Street North, Jacksonville Beach, stated he had concerns regarding stormwater runoff. He questioned the 2,500 square feet of retail space, parking issues, public safety, the location of the garbage dumpster, and the poor conditions of the lot as it exists today.

Michael Leach, 710 2nd Street South, Jacksonville Beach, stated he also had concerns regarding runoff, noise, and the effect it would have on the beach lifestyle.

The following opposed to the agenda item and did not wish to speak:

- Stephanie Pennington, 768 2nd Street North, Jacksonville Beach.
- Steve Nelson, 784 2nd Street North, Jacksonville Beach.

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

Beach, stated the compactor location and transformer locations had been reviewed with City staff. There are four parking spaces being put back on 7th Avenue North and the 1st Street corner and one curb cut onto 7th Avenue is being eliminated. He added there was no requirement for a traffic study.

Mr. Gay explained the next step is the Application for Development Plan and that is when the element of construction entrance would be addressed. He stated the St. Johns River Water Management District would issue a permit once the plans have been submitted to them. There are underground vaults to hold certain amounts of water.

Mr. Gay further stated that the garbage would be handled by a garbage compactor which has a lid and would be enclosed.

Frank Mendola, with J.B. Ritz, Inc., explained that Public Works has a specific criteria for how the garbage compactor would be placed. He added that the elevations drawings would come at a later stage for this type of project. The runoff and the storm situation have been analyzed by the engineers, Kimley-Horn. He added that the lighting would be up to Code to ensure safety.

Bill Mann, Planning and Development Director, stated the only water that would drain directly onto any surface street would come from the driveways between the sidewalk and the edge of the existing street pavement. The rest of that property would drain underground to the vault and then into the Downtown Master Stormwater System.

Mr. Mann added that the landscaping would be part of the Development Plan. The placement of the garbage compactor and transformer will be reviewed in the Development Plan review. Site lighting will be reviewed by the Police Department.

Mr. Forbes questioned if the building meets the side yard requirement for a building of this height. Mr. Mann explained that the requirement is two additional feet of side yard for every additional foot above 35 feet and this project meets that requirement.

Mr. Mann further explained that a traffic study had not been required due to the Mobility Fee Program. This program requires developers to pay a fee based on how many daily trips their project would generate.

Mr. Forbes confirmed with Mr. Mann that the City would work with the developer to review the location for the garbage compactor.

Mr. Thomason questioned the type of compactor that would be used. Mr. Gay stated it would weigh the garbage and then automatically self-compact. Mayor Latham confirmed that the compactor is gauged on usage and would be operating during the day for the most part.

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

Motion: It was moved by Ms. Wilson, seconded by Ms. Wilson, and passed unanimously, to approve the Findings of Fact, Ordinance No. 2017-8089, dated June 5, 2017.

ADJOURNMENT:

There being no further business, the meeting adjourned at 8:50 P.M.

Submitted by: Catherine Ponson
Assistant City Clerk

Approval:



William C. Latham, Mayor

Date:

6/19/17