

**Minutes of Regular City Council Meeting  
held Monday, April 15, 2013, at 7:10 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida.**



**CALL TO ORDER:**

Mayor Charlie Latham called the meeting to order.

**OPENING CEREMONIES:**

Invocation was by Council Member Wilson; followed by the Salute to the Flag.

**ROLL CALL:**

Mayor: Charlie Latham

Council Members: Keith Doherty Steve Hartkemeyer Christine Hoffman  
Tom Taylor Phil Vogelsang Jeanell Wilson

Also present was City Manager George Forbes, City Department Directors, and City Clerk Judy Bullock.

**APPROVAL OF MINUTES**

It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, and passed, to approve the following minutes, as presented:

- Regular City Council Briefing held April 1, 2013
- Regular City Council Meeting held April 1, 2013

**ANNOUNCEMENTS**

**Councilmember Tom Taylor**

- Mr. Taylor expressed his appreciation to Event Promoter Sam Veal for the work put into the 2013 Springing the Blues Concert.

Mr. Taylor encouraged everyone to visit the vegetable garden at BEAM and advised that volunteers are needed to assist with the garden.

**Councilmember Christine Hoffman**

- Ms. Hoffman announced that Mr. Vogelsang, Mr. Doherty and herself had recently graduated from the Jacksonville Beach Citizens Police Academy. She added that it is a great program and extended her appreciation to the staff for an excellent program.

**Mayor Charlie Latham**

- Mayor Latham advised that he participated in a great meeting with the three Beach City Mayors and City Managers on April 5, 2013. He added that they continue to work together to push for

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legislative initiatives and Mayor Borno has asked Atlantic Beach to donate \$5,000 towards our July 4, 2013, fireworks display.

- He enjoyed meeting the local Kiwanis Club for their annual “One Day” celebration at the Beaches Historical Society.

The Mayor gave a hearty ‘well done’, to the city staff, most noteworthy the City’s Police, Fire and Rescue, and the Parks and Recreation Department for another successful Springing the Blues Festival. Congratulations also went to Sam Veal for his efforts that went in to putting on a great show.

- He announced that he enjoyed participating in the ribbon cutting for one of Jacksonville Beach’s newest business, *Century Ambulance Services*. The Mayor also congratulated CEO John Glover and new Station Captain Zack Beck and welcomed them to the growing family of businesses in Jacksonville Beach.
- Mayor Latham advised, out of necessity, he has postponed his office hours this week, due to a staff project. He added that he would be available during early mornings and late evenings this week.
- The Mayor provided a report on the Sea Turtle nests. He advised that there were 105 documented nests this year, which is a major increase over the 62 nests in 2010. It is anticipated that the sea turtle nests will continue to increase at a rate of 13% per year.

**Councilmember Jeanell Wilson**

- Ms. Wilson advised that the “HGTV Smart Home” located in Paradise Key will be opening soon for tours. The Beaches Historical Society will be the tour guides for the home, which will be a fund raiser for the organization.

**COURTESY OF THE FLOOR TO VISITORS**

- Roger West, 120 South 1<sup>st</sup> Avenue, Jacksonville Beach  
Mr. West expressed concerns regarding the roundabout at the intersection of 2<sup>nd</sup> Street and Beach Boulevard.

He also requested signage to detour the persons who sit on their cars consuming alcoholic beverages and cause a lot of noise during late night.

**MAYOR AND CITY COUNCIL**

**CITY CLERK**

- (a) Appointment of One Member to the Planning Commission and Two Alternates.

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Motion #1: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to appoint Dave Dahl as a Regular member (from 1<sup>st</sup> Alternate) to the Planning Commission to complete the unexpired term, which will expire on June 30, 2016.

Roll call vote: Ayes: Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, and Mayor Latham; motion carried unanimously.

Motion #2: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to appoint Georgette Dumont as the 1<sup>st</sup> Alternate member (from 2<sup>nd</sup> Alternate) to the Planning Commission to complete the unexpired term, which will expire on January 31, 2015.

Roll call vote: Ayes: Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, Doherty, and Mayor Latham; motion carried unanimously.

Motion #3: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to appoint Rick Knight as the 2<sup>nd</sup> Alternate member to the Planning Commission to complete the unexpired term, which will expire on January 31, 2015.

Roll call vote: Ayes: Hoffman, Taylor, Vogelsang, Wilson, Doherty, Hartkemeyer, and Mayor Latham; motion carried unanimously.

**CITY MANAGER**

(a) Monthly Financial Reports – Month of March 2013

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the Financial Reports for the Month of March 2013.

Roll call vote: Ayes: Taylor, Vogelsang, Wilson, Doherty, Hartkemeyer, Hoffman, and Mayor Latham; motion carried unanimously.

(b) Approve a Fee for the 2013 Parking Program and Authorize \$10,000 in Expenditures for this Program. (The recommended fee is \$3.00)

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to set the parking fee of \$3.00 for the 2013 downtown paid parking program and authorize the expenditure of \$10,000 from General Fund Unanticipated as described in a memo from the City Manager, dated April 5, 2013.

Mr. Forbes stated that the downtown is looking better than it has for many years. However, paid parking remains to be an undecided issue. The paid parking program, implemented to help fund additional security in the parking lots, has been successful.

On April 3, 2013, a meeting of the downtown merchants/business owners was held. The majority were against any kind of paid parking. However, if there was going to be paid parking

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the business owners recommended a self-validation program with a parking fee of \$3.00 per vehicle.

Mr. Forbes advised that at the recent “Springing the Blues” concert private parking was being charged \$10.00 or \$20.00 per vehicle.

Mr. Forbes explained that the self-validation program would not involve the City with reimbursements. The City would charge the parking fee of \$3.00 and then the merchants would choose if they wished to offer any rebates for the parking fee. In addition the City would be required to purchase two-part tickets so the customer would receive a dated receipt to present to the merchant.

Mr. Forbes went on to list the benefits that the parking customers receive without cost: free festivals, movies, jazz series, a beautiful beach, restrooms, and showers.

Speakers:

- Mike Stang, 1020 North 19<sup>th</sup> Street, Jacksonville Beach  
Mr. Stang suggested that residents be allowed to park without charge and during festivals, the City lots should charge the going rate. (\$10 or \$20 per vehicle)
- Gary Lyon, 1217 North 4<sup>th</sup> Avenue, Jacksonville Beach  
Mr. Lyon spoke in opposition to charging residents for public parking since residents pay annual taxes to the City.

Before bringing the item back to the Council for discussion, Mayor Latham reminded councilmembers that this is a “short-term” solution and the program will be reviewed at the end of the year.

Mr. Doherty asked what type of expenses the requested \$10,000 would cover.

Mr. Forbes responded that approximately \$6,000 would be used to pay for the printed tickets and the remainder would possibly be used for a marketing campaign or for other incidental costs. He added that the tickets are also necessary for proper internal controls.

Mr. Doherty asked why the current receipt issued by Republic wouldn’t suffice. He further stated that he is not in favor of the City spending funds on tickets for the parking program.

Interim Police Chief Pat Dooley explained that the City’s tickets would also provide statistics on the number of vehicles going into each lot and it becomes an excellent way for a check and balance. He added that a logo matching the tickets could be displayed in the window of the businesses who wish to validate the parking.

A lengthy discussion ensued regarding purchase of special tickets, residents not charged to park, and that the current program has succeeded in providing additional security to visitors.

Ms. Wilson advised that she was not in favor of the parking program.

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Mr. Vogelsang spoke in opposition of purchasing special tickets and charging residents to park. He did suggest that non-residents be charged \$5.00 to park in the City lots during special events. Mr. Vogelsang asked Mr. Forbes if he had the authority to alter the cost for parking during special events.

Mr. Forbes responded that he does not have that ability unless the Council authorizes him to change the fees.

Mr. Vogelsang stated that he was going to make an amended motion whereby, Republic would not charge residents, after the driver displayed a valid driver's license showing that they are a resident of Jacksonville Beach.

Amended Motion #1: It was moved by Mr. Vogelsang, seconded by Mr. Doherty, to amend what is currently on the table with regard to residents being able to park free upon the driver showing the Republic Parking attendant a driver's license with the zip code 32250, then they would be able to park free in the three main lots where the City has parking attendants.

Mayor Latham stated that the City Manager should have the ability to make a decision on whether or not the program using the City's tickets should continue or if they find that it is the best way. He added that the business owners are not in favor of paid parking, but the numerous residents that have contacted him do want to continue with the paid parking for security reasons.

Amended Motion #2: It was moved by Mr. Vogelsang, to amend what is currently on the table with regard to residents being able to park free upon the driver showing the Republic Parking attendant a driver's license with the zip code 32250, then they would be able to park free in the three main lots where the City has parking attendants; also to give authority to the City Manager to increase the parking fee at special events to \$5.00 and residents would have to pay to park during special events.

Amended Motion #2 died for lack of a second.

Mr. Doherty stated that residents should be able to park without charge immediately.

Mr. Taylor asked if the paid parking was only on Friday, Saturday, and Sunday.

Mr. Forbes replied yes and if the Council should approve the \$3.00 fee the hours would be moved up by next weekend (during peak times on the three days).

Mr. Hartkemeyer advised if the City is going to allow residents to park without charge then the City should issue parking decals.

Ms. Wilson questioned if the City would be losing money with the \$3.00 fee.

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Mr. Forbes commented that the City needs a program in place for the season and not revisit it every month. He added that the City may lose money based on which parking program is approved.

Mr. Doherty asked when the contract with Republic expires.

Mr. Forbes responded that the contract runs through this season. He added that the City receives 60% and Republic receives 40% of the fee charged.

Roll call vote on Amended Motion #1: Ayes: Vogelsang, Doherty, Hoffman, and Taylor;  
Nays: Wilson, Hartkemeyer, and Mayor Latham.  
Motion passed by a vote of 4 to 3.

Motion: It was moved by Mr. Hartkemeyer, to increase the parking fee to \$5.00 per vehicle.

Motion died for lack of a second.

Roll call vote on Original Motion: Ayes: Doherty, Hartkemeyer and Mayor Latham;  
Nays: Hoffman, Taylor Vogelsang, and Wilson.  
Motion failed by a vote of 4-3.

(c) Approve the Attached Submerged Land Lease for Rose and Ken, Inc. (Beach Marine)

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the Mayor and City Manager to execute a ten-year submerged land lease agreement between the City of Jacksonville Beach and Rose and Ken, Inc., in conformance with a memo written by the City Manager, dated April 1, 2013, and titled "Submerged Land Lease for Beach Marine (Rose and Ken, Inc.).

Mr. Forbes explained that the City has several submerged land leases. The one under consideration is approximately 100 ft. wide and 635 ft. long, and is being used by Beach Marine for docks, boat and boat slip rentals.

The proposed lease would be for ten years, October 1, 2013 through September 2023. The amount of rent for submerged land is stipulated by state law and will provide an annual amount of \$7,116.12. Additionally, the premises must be used solely for the public purpose of launching, docking, storing, servicing, and repairing watercraft.

Roll call vote: Ayes: Doherty, Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, and Mayor Latham; motion carried unanimously.

**RESOLUTIONS**

(a) **RESOLUTION NO. 1910-2013**

Mayor Latham requested that Resolution No. 1910 - 2013, be read by title; whereupon Ms. Bullock read the following:

**“A RESOLUTION ESTABLISHING RATES AND FEES FOR THE  
HUGUENOT TENNIS CENTER.”**

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Resolution No. 1910-2013, establishing rates and fees for Huguenot Tennis Center, as described in the memorandum from the Recreation and Parks Director, dated April 8, 2013.

Speaker: Gil Gibbs, 1309 Trailwood Court, Neptune Beach  
Mr. Gibbs complimented the City on the Tennis Center and advised that he is in favor of the proposed fee increase.

Mr. Forbes explained that the proposed resolution has three types of fees and the goal is to make the City facilities as self-supporting as possible. He stated that the Tennis Center will never be totally self-supporting due to the necessary maintenance of the courts. He then reviewed the fee structure and advised that the contract with the Tennis Pro will include the monthly rental of the Pro Shop.

Roll call vote: Ayes: Hartkemeyer, Hoffman, Taylor, Vogelsang, Wilson, Doherty, and Mayor Latham; motion carried unanimously.

**City Manager – Item (b) Parking Program**

As a Point of Order, Mr. Forbes advised that the item on the Parking Program had to be revisited. He explained that one of the amendments passed, but the main motion failed so the item is dead. Mr. Forbes expressed his appreciation to Ms. Hoffman for bringing the problem to Council’s attention.

Motion: It was moved by Mr. Vogelsang, seconded by Ms. Hoffman, to approve a parking fee of \$3.00 per vehicle, and allow residents to park for free after showing a valid driver’s license.

Roll call vote: Ayes: Doherty, Hoffman, Taylor, And Vogelsang;  
Nays: Hartkemeyer, Wilson, and Mayor Latham  
Motion carried by a vote of 4 to 3.

**Mayor’s Statement**

Mayor Latham requested that Councilmembers with questions or concerns regarding an item coming before the council not to wait until the council meeting, but contact the City Manager for answers to their questions, possible options, and to determine if a workshop should be held before the item is placed on the agenda for action.

**ORDINANCES**

(a) **Ordinance No. 2013-8026 – FIRST READING – PUBLIC HEARING**

Mayor Latham requested that Ordinance No. 2013-8025, be read by title; whereupon Ms. Bullock 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 – LAND DEVELOPMENT CODE, OF THE JACKSONVILLE BEACH CODE OF ORDINANCES.”**  
*(Former George Moore Chevrolet dealership property)*

### **Rezoning Hearing Statement – Mayor Latham**

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

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

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

### **Public Hearing**

I will now open the public hearing on Ordinance No. 2013-8026.

He asked if there was an applicant or a spokesperson for the applicant present to review their proposal.

T. R. Hainline, 1301 Riverplace Boulevard, Jacksonville, agent for the applicant Tribridge Residential, LLC, came forward and reviewed the proposed multi-family development. The development will cover approximately 4.41 acres, with 176 units and the buildings will not exceed the 35 ft. height limit. Additionally, the development is below the maximum density of 40 units, currently allowed by the 2030 Comprehensive Plan. In regards to the recreational/open space, there will be an interior courtyard, pool, and open lawn areas throughout the development. Mr. Hainline added that 352 parking spaces are required and the proposed development will have 358 off-street

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parking spaces and 26 on-street spaces. He assured councilmembers that they have worked closely with City staff to ensure that they meet the City's requirements.

At this time, Mayor Latham announced the opening of the public hearing for testimony from other interested parties.

Speakers:

- Peter Sapia, 1655 Selva Marina Drive, Atlantic Beach  
Mr. Sapia spoke in favor of the development.
- David Shupe, 820 North 3<sup>rd</sup> Avenue, Jacksonville Beach  
Mr. Shupe voiced his concerns regarding crime, safety, and utilities.
- Mick Durocher, 41 Millie Drive, Jacksonville Beach  
Mr. Durocher spoke in opposition to the development and requested that the developers meet EPA requirements. (previous uses of property – gas station, car dealership with repair department)
- Gary Lyon, 1217 North 4<sup>th</sup> Avenue, Jacksonville Beach  
Mr. Lyon spoke in opposition to the development.

At this time, Mayor Latham opened the floor to any other persons wishing to speak in favor of the ordinance; no one came forward.

He then opened the floor to any other persons wishing to speak in opposition to the ordinance; no one came forward.

Mayor Latham asked if there was anyone else who wished to speak for or against the application; no one came forward.

Mayor Latham asked if the City Manager or the Director of Planning and Development wished to respond to any of the comments by the applicant or the public.

Senior Planner Bill Mann came forward and explained that, in terms of land use, Parcel B, is currently zoned C-2 and is actually an intrusion into a multi-family neighborhood. Parcels E, D, A, and C are zoned C-2. The predominant adjacent use properties are multi-family and institution use. Mr. Mann added that the proposed development is consistent with the City's Zoning and Comprehensive Plans. Additionally the applicant secured a Concurrency Reservation Certificate on February 13, 2013, which was reviewed by all City departments. It indicates that adequate public facilities, including roadway capacity, and utilities exist to serve the proposed development. Mr. Mann also explained that the developers have requested permission to install a slightly larger sign on Parcel "A", which would still be smaller than the permissible sign that could be permitted for a commercial development.

Mr. Forbes advised that the City must adopt and adhere to the regulations in the State's Building Code.



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Mr. Hainline responded that the proposed development will consist of approximately 55% one-bedroom units, 35% two-bedroom units and 10% three-bedroom units.

Ms. Catherine Mosely advised that the approximate unit sizes are as follows:

- One-bedroom 750 sq. ft.
- Two-bedroom 1050 sq. ft.
- Three-bedroom 1200 sq. ft.

Interim Police Chief Pat Dooley advised, if the residents are similar to those residing in the Broadstone Development, minimal problems are anticipated.

Mr. Hainline advised, in regards to the environmental concerns, they have completed phase one and will be starting phase two. Additionally, before beginning any construction they expect to obtain a “No Further Action” letter from FDEP.

Roll call vote: Ayes – Taylor, Vogelsang, Wilson, Doherty, Hartkemeyer, Hoffman, and Mayor Latham; motion carried unanimously.

**ADJOURNMENT**

There being no further business coming before the Council, Mayor Latham adjourned the meeting at 8:50 p.m.

Submitted by: Judy L. Bullock  
City Clerk

Approval:

/s/William C. Latham

William C. Latham, Mayor

Date: May 6, 2013