

**Minutes of Regular City Council Meeting
held Monday, May 6, 2013, at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



CALL TO ORDER:

Mayor Charlie Latham called the meeting to order.

OPENING CEREMONIES:

Invocation was by Council Member Vogelsang; 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.

CHANGE IN ORDER OF AGENDA

Mayor Latham announced that there would be a change in tonight's Agenda of Business. Item 6 (a) under the City Manager will be the first item under consideration.

CITY MANAGER - Item 6 (a)

Mayor Latham requested a motion on Item 6 (a) under the City Manager heading.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the City Manager's appointment of Patrick Dooley as the Chief of Police of the City of Jacksonville Beach.

Mr. Forbes provided a brief description of the selection process used to find the best possible person for the job. He explained that the position was advertised nationally; then a team of staff and citizens rated the applications and conducted telephone interviews. Next, an assessment center was held through the Police Chief Selection Advantage program run by the International City/County Management Association. The Pittman-McLenagan Group held an assessment center for the four finalists, which was an intensive process. The conclusion of the process was that Interim Chief Pat Dooley was the best fit for the City and the better choice to lead the City into the future.

Council Comments –

Mayor Latham commended Mr. Forbes for hiring the firm that assisted in finding the very best qualified candidate for the City.

Mr. Vogelsang advised that he has gotten to know Interim Chief Dooley and concurs that he is the best candidate for the position.

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Mr. Taylor thanked the staff and the citizens who participated in the process. He added that the cost for the firm that assisted was well spent.

Ms. Wilson commended Mr. Forbes, staff and citizens who participated in the selection process. She also congratulated Interim Chief Dooley.

Mr. Doherty spoke highly of Interim Chief Dooley's abilities and thanked everyone in the selection process.

Citizen Comments –

Bruce Thomason

Retired Police Chief Thomason extended his appreciation for Interim Chief Dooley's efforts and stated that Chief Dooley is the right person for the job.

David Coffman

Retired Police Officer David Coffman expressed his appreciation for the City of Jacksonville Beach Police Department. He also commended the staff for the Assessment Center and stated that this is the best-organized process that he has had the privilege to participate.

Ray Fisher, 2300 Azalea Drive, Jacksonville Beach

Mr. Fisher stated that he was part of the assessment team and expressed his amazement at the process and extended his congratulations to Interim Chief Dooley.

Mayor Latham advised that when his father was Mayor of Jacksonville Beach he had the honor of swearing in Retired Police Chief Bruce Thomason and now he has the honor of swearing in the next Chief of Police.

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

Oath of Office and Pinning Ceremony –

At this time, Mayor Latham administered the Oath of Office to newly appointed Police Chief Patrick Dooley.

Retired Police Chief Thomason pinned the newly appointed Chief of Police Patrick Dooley.

Mayor Latham formally introduced the new Chief of Police, Patrick K. Dooley.

Comments –

Chief Dooley expressed his appreciation to his family, Chief Thomason, Mr. Forbes, the Council members, his fellow Police Officers and many friends. He advised that he looks forward to the opportunity to serve the community.

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Recess –

Mayor Latham called a brief recess.

Reconvene –

Mayor Latham reconvened the meeting at 7:43 p.m. and resumed the order of the Agenda.

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 15, 2013
- Regular City Council Meeting held April 15, 2013
- New Council Orientation Tour held April 17, 2013

ANNOUNCEMENTS

Councilmember Tom Taylor

- Mr. Taylor advised that he attended the 75th Anniversary of the Ribault Garden Center on April 18, 2013.

Mr. Taylor also commended the staff and various City Departments for a great *Opening Day Parade*.

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

Councilmember Steve Hartkemeyer

- Mr. Hartkemeyer congratulated his wife, who owns Infinity All Stars Competitive Cheer Leading. The teams brought home two championships from a competition held in Orlando.

Mayor Charlie Latham

- Mayor Latham advised that he and his wife Kathryn attended the HGTV Smart Home reception in Paradise Key on April 20, 2013. There was a great turnout and the exposure for Jacksonville Beach was phenomenal.
- He commended the staff for the way the final assessments for Police Chief were conducted. Members of the City Council were in attendance for the final full day of the Assessment. There were two very well qualified leaders at the end of the process, and it was exciting to see the best of the candidates was our very own Pat Dooley. In addition, special thanks to our runner up, Bryan Jarrell (of Southfield, Michigan) for all of his work during his assessment. He will make some city a great Chief of Police.

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- Mayor Latham advised that he rode with Jacksonville Beach Police again, last Saturday, and commended the police force in the manner in which they are handling the increased crowd downtown. He added that he is very proud of all of our first responders. They do a great job of keeping the Downtown area safe.
- He gave a hearty well done to everyone who participated in the Beaches Opening Day Parade, with special thanks to the Parks & Recreation Department for coordinating and overseeing the event.
- Mayor Latham advised that he had breakfast with Mayors Borno and Pruette this past week and added that they continue to share ideas to improve the three cities/one community.

COURTESY OF THE FLOOR TO VISITORS

Speakers:

- Sam Veal, 209 South 3rd Street, Jacksonville Beach
Mr. Veal provided an update on the July 4th Celebration. He advised that there would be a fund raising event with many local bands performing. All proceeds above cost will go to the fireworks fund. Mr. Veal added that volunteers would visit local businesses to solicit donations for the fireworks. He also suggested that donation information could be included in monthly utility bills.

Mr. Veal advised that he was contacted by Radio Station WQIK to have new country star Craig Campbell perform on the 4th of July.

Mr. Forbes advised Mr. Veal that he needed to contact Parks & Recreation Director Gary Meadors to ensure that he qualifies for a “Special Event Permit”.
- Roger West, 120 South 1st Avenue, Jacksonville Beach
Mr. West spoke about the intersection of Beach Boulevard and 2nd Street South needing better signage.
- Mike Stang, 1020 North 19th Street, Jacksonville Beach
Mr. Stang suggested that Council meetings be videoed so that more citizens can become involved in the meetings.
- Lee Buck, 136 North 17th Avenue, Jacksonville Beach
Mr. Buck provided a handout showing the blockade at 2nd Street North and 16th/17th Avenues. He requested that Council consider removing the blockades due to emergency vehicles, the poor condition of maintenance, and lastly, because they are no longer needed.

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

- (b) Approve a Partnership with the Sulzbacher Center by Funding \$28,000 for the Chronically Homeless Offender Project.

Mayor Latham requested that Council delay making a motion to participate on the item and requested a motion to open discussion on this topic and delay voting on the issue until a subsequent council meeting.

Motion: It was moved by Taylor, seconded by Mr. Vogelsang, and passed, to open discussion on City Manager Item (b), and then take a vote at a subsequent meeting.

Speaker:

Ms. Cindy Funkhouser, 1352 Plantation Oaks Drive, Jacksonville Beach – President of the Sulzbacher Center

Ms. Funkhouser presented a new program, Chronically Homeless Offender Project (CHOP). She provided handouts and explained that this is a new program where the City could partner with the Sulzbacher Center, and the Court System, with the goal of getting individuals the help they need to get off the street permanently.

With this program, the Jacksonville Beach Police would identify 10 of the most frequent homeless individuals who are arrested many times each year. Participation in the program means that the next time one of the individuals is arrested and appears before the Court, they will be given a choice of either entering a diversionary program, or they will receive the maximum sentence possible (over 21 days). Ms. Funkhouser emphasized that sex offenders are not eligible to participate in the program.

If the person chooses the program, the goal would be to get that person into permanent supportive housing with needed services such as substance abuse, mental health, PTSD (Post-Traumatic Stress Disorder) and/or health issues. If they do not choose to participate in the proposed program, they will go to jail for the maximum sentence and while there, be admitted to the treatment program offered by the jail system.

The proposal for Jacksonville Beach is to fund housing for up to 10 Chronically Homeless Offender Project program tenants for five months at an estimated cost of \$28,000.

Discussion

There was a lengthy discussion among Councilmembers regarding the program and cost to the City. Mr. Forbes advised that this is a 12-month pilot project and then the Council could evaluate its successfulness. Mr. Forbes added that the program is being presented to the Council to determine their interest in participation.

Mr. Forbes also pointed out that the proposed funding of \$28,000 would not be provided in a single donation. The funds would only be spent on rent as needed.

(c) Approve an Additional Corporal Position for the Downtown Cape Program

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve funding for a Downtown CAPE Police Corporal position and all required equipment, as described in a memo from Interim Chief Dooley, dated April 23, 2013.

Mr. Forbes explained that the Downtown Community Policing Program has been very successful. Currently there are four CAPE Officers in the Downtown Redevelopment Area and they do not have direct supervision. If approved the additional officer would be paid from Redevelopment Agency funds and would add an additional officer to the team. Also, if the Chronically Homeless Offender Project (CHOP) is approved, this officer would be the contact person.

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

(d) Approval to Declare the City's MTX and MTS Motorola Radios and Equipment Surplus and Allow *Sunny Communications* to Purchase Them for \$500 Plus Shipping

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to declare the listed Motorola radios as surplus and approve the sale of the radios and surplus equipment to *Sunny Communications*, as described in a memorandum from Fire Chief Gary Frazier.

Mr. Forbes explained that these radios are obsolete because the City has gone from analog to digital. If approved *Sunny Communications* would remove the programming and purchase the radios for \$5.00 each. If the City were to sell the radios to the public, it would cost \$25 to \$35 per radio to remove the programming. The radios would be used by the communications company for parts and possibly to sell to other agencies.

Ms. Wilson asked if the company did not remove the programming in the radios, if it could hurt our new radio system.

Captain Sciotto, Jacksonville Beach Fire Marshal, addressed Ms. Wilson's concerns. He advised if the programming was not removed it would have a negligible impact on the City's Radio System.

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

(e) Approval of Bid Number 1213-07 for Padmounted Switchgear

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to award Bid Number 1213-07 for the purchase of padmounted switchgear to *Trayer Engineering* for a period of 12 months as recommended in a memorandum from the Director of Beaches Energy Services, dated April 12, 2013.

Mr. Forbes explained that Switchgear allows the City to sectionalize the grid in a power outage and keep power on to more customers.

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

RESOLUTIONS

(a) **RESOLUTION NO. 1913-2013**

Mayor Latham requested that Resolution No. 1913-2013, be read by title; whereupon Ms. Bullock read the following:

“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA RELEASING, VACATING, AND ABANDONING A TWELVE (12) FOOT WIDE PUBLIC UTILITIES EASEMENT LOCATED IN A FORMER PUBLIC ALLEY CLOSED BY ORDINANCE NO. 6142, AND RUNNING IN AN EASTERLY AND WESTERLY DIRECTION THROUGH BLOCK 18, *MUNDY DRIVE TERRACE* SUBDIVISION, AS RECORDED IN PLAT BOOK 15, PAGE 96 OF THE CURRENT PUBLIC RECORDS BOOK OF DUVAL COUNTY, FLORIDA” (Former George Moore Chevrolet dealership)

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Resolution No. 1913-2013, establishing rates and fees for Huguenot Tennis Center, as described in the memorandum from the Recreation and Parks Director, dated April 8, 2013, as read by title.

Mr. Forbes explained that the Council would be taking a final vote on a proposed PUD – Apartment Complex tonight. He added there is a utility easement in the middle of the property that is no longer needed by the City. If approved, the only condition is that the applicant will be required to either grout or remove an existing unused sewer line and manhole within the easement.

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

ORDINANCES

(a) **Ordinance No. 2013-8027 – FIRST READING – PUBLIC HEARING**

Mayor Latham requested that Ordinance No. 2013-8027, be read by title; whereupon Ms. Bullock read the following:

“AN ORDINANCE ESTABLISHING A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER THE JACKSONVILLE BEACH LAND DEVELOPMENT CODE, CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.” (This request is for a veterinary clinic to be located on a vacant 0.49-acre parcel of land on the north side of Jacksonville Drive, 50 feet west of State Road A1A)

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. 2013-8027**.

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

Applicant –

Greg Kupperman, 200 First Street, Ste. B, Neptune Beach, Florida 32266

Mr. Kupperman advised that he is the Agent for the property owners, WaterSide, LLC and provided a brief review of the proposed project. He stated that the rezoning was for a 7,500 sq. ft. Veterinary Clinic and that they are in favor of the conditions for the PUD.

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- Councilmember Hoffman Met Jeff Woods, Managing Partner, at a social occasion, where Mr. Woods advised that he had this project coming before the Council and they only spoke about having an emergency veterinary clinic at the beach
- Councilmember Taylor Spoke with Jeff Woods at a funeral, where Mr. Woods stated that he had this project coming before the Council
- Councilmember Vogelsang None
- Councilmember Wilson None

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8027, rezoning a 0.49 acre parcel of land located on the north side of Jacksonville Drive, 50 feet west of State Road A1A, from *Commercial, Professional Office: CPO* to *Planned Unit Development: PUD* to allow the development of a 7,500 square foot veterinary practice, as read by title.

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.”

Ms. Wilson stated that she concurs with Mr. Overby; she is not opposed to the project, just the process. Ms. Wilson inquired about an area in the westerly section of the property and asked if the public street would remain open to traffic.

Senior Planner Bill Mann responded and advised that the area is part of the applicant’s property. It is a public easement granted to the City and it will remain a public access.

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

Mr. Forbes explained that this is only the first reading of the ordinance and it will come back before the Council on its second reading, for approval.

(b) **ORDINANCE NO. 2013-8028 – FIRST READING**

Mayor Latham requested that Ordinance No. 2013-8028, be read by title; whereupon Ms. Bullock read the following:

“AN ORDINANCE VACATING, DISCONTINUING, ABANDONING AND CLOSING THE EASTERLY SEVENTY-FIVE (75) FEET OF A CERTAIN

TWELVE (12) FOOT WIDE PUBLIC ALLEY RUNNING IN AN EASTERLY AND WESTERLY DIRECTION THROUGH THAT CERTAIN PROPERTY IN THE CITY OF JACKSONVILLE BEACH, FLORIDA, KNOWN AS BLOCK 19, MUNDY DRIVE TERRACE SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 15, PAGE 96 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA. (Former George Moore Chevrolet dealership)

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8028, abandoning and closing the Easterly 75 feet of the 12-foot wide public alley located in Block 19, *Mundy Drive Terrace* Subdivision, as read by title.

Mr. Forbes explained that the alley/easement has to be closed to build the apartment units. He advised that there is a 12-foot wide public alley, which has an eight-inch sewer line. Mr. Forbes added that the only condition of the partial abandonment is the applicant will be required to either grout or remove the existing unused sewer line and to construct a new manhole.

Ms. Wilson asked if the alley was being used.

Mr. Mann advised that the alley is unimproved and does not have a through access.

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

(c) **ORDINANCE NO. 2013-8026 – SECOND READING**

Mayor Latham requested that Ordinance No. 2013-8026, 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)

Motion #1: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to amend PUD Ordinance No. 2013-8026 to state that the applicant shall remove or grout the extents of the existing manhole and the 8 inch sewer line lying in the abandoned easement in Block 18, in the 8th Street North right-of-way, and in the abandoned portion of alley in Block 19, and shall also construct a new manhole at the Easterly terminus of the sewer line in the balance of the alley in Block 19, as read by title.

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Mr. Forbes explained that the amendment to this ordinance was to place the conditions from Resolution No. 1913-2013 and Ordinance No. 2013-8028 in the PUD Permit and the developers must meet the requirements if they accept the PUD Permit.

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

Motion #2: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8026, as amended, establishing a *Planned Unit Development: PUD* Zoning District, to allow a 176-unit multifamily residential apartment community on the former *George Moore Chevrolet* dealership properties, as read by title.

Mr. Forbes advised that a Public Hearing was held on the proposed development; the conditions for the project, parking, the height limit, open space requirements, landscaping, and tree protection were reviewed in detail.

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

Motion #3: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve “Findings of Fact” – Ordinance No. 2013-8026, dated April 22, 2013.

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 9:08 p.m.

Submitted by: Judy L. Bullock
City Clerk

Approval:

/s/William C. Latham

William C. Latham, Mayor

Date: May 20, 2013