

**Minutes of Regular City Council Meeting
held Monday, August 19, 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 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:

- Citizen Budget Workshop held July 31, 2013
- Council Budget Tour on August 2, 2013
- Regular City Council Meeting held August 5, 2013
- Budget Workshop held August 5, 2013
- Budget Workshop held August 6, 2013

ANNOUNCEMENTS

City Manager George Forbes –

- Mr. Forbes advised that the surfing statue in Latham Plaza is covered with a tent for maintenance purposes.

Councilmember Jeanell Wilson

- Ms. Wilson commented that the Art Walk was a great event and well attended.

Councilmember Chris Hoffman

- Ms. Hoffman provided a status report on the back to school event at BEAM. She advised that approximately 1,000 children received clothing and school supplies.

Mayor Charlie Latham

- Mayor Latham congratulated the City Manager and Department Directors for a job well done on the budget workshops. He added that most people do not know the amount of effort required to keep the City on a fiscally sound path.
- Mayor Latham explained that interviews were held on August 7, 2013, for citizens interested in serving on City Boards. He expressed his gratitude for the citizens who have volunteered and encouraged citizens wishing to serve on a Board to contact the City Clerk's Office for information and an application.
- Mayor Latham stated that he was also honored to represent the City of Jacksonville Beach at the funeral of former Jacksonville Mayor Hans Tanzler. Mayor Latham added that Mayor Tanzler was in office during the 1968 Consolidation and he accomplished many great things for Duval County.
- Mayor Latham congratulated Shawn Fisher and Jordyn Jackson (*"Flagship Romance"*) for organizing the second annual "Clean Water Music Fest." This year doubled last year's event (from \$12,000 last year to \$24,000 this year). He added that he is very proud of the Jacksonville Beach residents for all of the hard work put into this annual event.
- Mayor Latham also advised that the Art Walk was very well done.
- He stated that he had briefly met with Governor Scott on August 15, 2013, and the Governor remains very interested in our City's economic development and he has pledged to assist us in recruiting more businesses and jobs into the City.
- Mayor Latham also advised that he had attended this morning's ribbon cutting ceremony for the Seaside Community Charter School along with Police Chief Dooley and Fire Marshal Steve Sciotto. He added that it was the school's first day. Mayor Latham expressed his appreciation to Planning & Development Director Steve Lindorff and Senior Planner Bill Mann for working with the school to complete their requirements in time for the new school year.

COURTESY OF THE FLOOR TO VISITORS

- Michael Chanatry, 4054 Palm Way, Jacksonville Beach
Mr. Chanatry expressed his concern regarding removal of trees from the proposed development of ten acres at the corner of South Beach Parkway and Sanctuary Boulevard.
- Mick DuRocher, 41 Millie Drive, Jacksonville Beach
Mr. DuRocher spoke well of the Art Walk Event and stated that he is against paid parking. He added that he would attend the August 28, 2013 workshop and state his objections again.

Mr. Doherty asked the City Manager how the workshop would be conducted.

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Mr. Forbes explained that there are two basic types of workshops. One type is for citizen input, with the other being for Council discussion and to provide City staff with direction on various issues. The workshop scheduled for August 28, 2013 is for the Council to provide the staff guidance.

- Jon McGowan, 5 North 17th Avenue #901, Jacksonville Beach
Mr. McGowan stated that the Art Walk went very well and they had 40 participating artists. The next event will be a Car Walk with the vehicles being displayed throughout the downtown area. He added that a food event is also being planned.

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

- (a) Monthly Financial Reports – Month of July 2013.

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

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

- (b) Approval to spend \$2,731 Out of the Radio Communication Fund for Emergency Repairs to the City's Radio Tower Equipment.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the emergency spending of \$2,731 for repairs to the City's radio tower equipment, as described in a memo from Fire Chief Gary Frazier, dated July 4, 2013.

Mr. Forbes advised that the City's radio tower and system received a direct hit from lightning during the June 27, 2013, thunderstorm. The tower is well grounded, so only two items received damage. Due to the urgency of getting the radio system back in service, this was considered to be an emergency purchase and repair.

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

- (c) Approve a Draw from the Law Enforcement Trust Fund for the Following:

- 1) Equipment and Related Expenses for Ongoing Crime Prevention and Community Relations Programs; and

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- 2) Continue Funding the Part-time Police Volunteer Coordinator for the Citizen Police Academy Alumni Association and Citizens On Patrol Volunteers

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve a draw of \$53,610.00 from the Law Enforcement Trust Fund to expend, as described in an August 6, 2013 memorandum from the Police Chief entitled, "Draw from Law Enforcement Trust Fund for Crime Prevention Programs and Continued Funding for Part-time Police Volunteer Coordinator".

Mr. Forbes explained that seizure monies must be used for crime prevention, such as the Citizens' Police Academy, the Kids Fishing Rodeo, the DARE Program and, for the Part-time Volunteer Coordinator.

Police Chief Dooley responded to questions from council members regarding the DARE Program. He explained that the Police Department has conducted that program for 15 years and it is provided to fifth graders in public and private schools.

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

- (d) Award Unit Price Bid #1213-11, "Lift Station #1 Modifications Project," to Miranda Contracting, Inc. and Authorize Construction Administration Services with the Project Design Firm, ETM, Inc.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to award Unit Price Bid #1213-11, titled "Lift Station No. 1 Modifications Project" to *Miranda Contracting, Incorporated*, and authorize Construction Administration Services with the project's design firm, *ETM, Incorporated*, as explained in the memorandum from the Public Works Director, dated August 9, 2013.

Mr. Forbes referred to the displayed map showing the location of the lift station. He added that there are 38 lift stations in the City and Lift Station No. 1 is located on 2nd Avenue South, which will be totally rebuilt.

Mr. Forbes added that there might be a bid protest from one of the companies that submitted a proposal for this project and suggested that a decision on awarding the bid should be postponed until the next council meeting.

Substitute Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to table the item until the next council meeting.

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

- (e) Award Unit Price Bid Number 1213-12, "Water Main Replacement Project (Various Locations)," to *Miranda Contracting, Inc.*, and Authorize Construction Administration Services with the Project Design Firm, *Jones Edmunds & Associates, Inc.*

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Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to award Unit Price Bid Number 1213-12, titled "Water Main Replacement Project (Various Locations)" to *Miranda Contracting, Incorporated*, and authorize Construction Administration Services with the project's design firm, *Jones Edmunds and Associates, Incorporated*, as explained in the memorandum from the Public Works Director, dated August 12, 2013.

Mr. Forbes provided a brief report on the project and noted that the project would replace eleven blocks of two-inch galvanized water mains with six-inch PVC pipe.

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

- (f) Authorize Change Order for the Construction of the Reuse Water Main Extension Project (Roberts Drive to the Central Stormwater Basin)

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize the Reuse Water Main Extension Project (Roberts Drive to the Central Stormwater Basin) by Change Order to Unit Price Bid 1213-08, South Beach Area Redevelopment Project (Williams Coastal & Jax Beach Heights Area) with *G&H Underground Construction, Incorporated*, as explained in the memorandum from the Public Works Director, dated August 10, 2013.

Mr. Forbes advised that this Change Order would extend the reuse water main from Roberts Drive to the Central Stormwater Basin on 12th Avenue South. He added that the funding is in this fiscal year's budget.

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

RESOLUTIONS

ORDINANCES

- (a) **ORDINANCE NO. 2013-8030 – FIRST READING – PUBLIC HEARING**

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 PUD is for a 1,608 sq. ft. office building located on the west side of Isabella Boulevard, 150 ft. south of Osceola Avenue.*)

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 first reading. Under the laws of the State of Florida, an application for

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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

Mayor Latham opened the public hearing on Ordinance No. 2013-8030 and asked if the applicant or their agent was present and if they would like to make a presentation.

Michael Dunlap, 1120 North 2nd Avenue, Jacksonville Beach, Architect of Record and Agent for the Applicant Michael DeLoach, came forward. Mr. Dunlap explained that the project will be a one story, 1,608 s. f. office building located on a small tract of land approximately 50 by 117 feet with five parking spaces.

Speaker:

- Jim Overby, 21 Burling Way, Jacksonville Beach
Mr. Overby provided Council members with a handout on Spot Zoning and advised that the rezoning should not be allowed.

Mr. Forbes displayed aerial maps showing where the proposed building would be located and that exhibited the surrounding development as single-story office complexes. He pointed out that the property is currently zoned residential single-family. Mr. Forbes stated that the proposed development complies with the Comprehensive Plan and does not fall under “Spot Zoning”.

Mayor Latham asked if Mr. Dunlap wished to address any of the comments.

Mr. Dunlap stated that he concurred with Mr. Forbes.

There being no further speakers, 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 asked if the City Clerk had received any additional written communications, to which she responded that she had not.

Mayor Latham stated that he had not received any *ex-parte* communications and requested that the City Clerk poll the Council members, as follows:

- Mr. Doherty None
- Mr. Hartkemeyer None
- Ms. Hoffman None
- Mr. Taylor None
- Mr. Vogelsang None
- Ms. Wilson None

Mayor Latham asked for a motion on the application.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8030, as read by title only, rezoning a vacant 0.13 acre parcel of land on the west side of Isabella Boulevard, 150 feet south of Osceola Avenue, from *Residential, single-family: RS-2* to *Planned Unit Development: PUD* to allow a 1,608 s. f. office building.

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 advised that she understands the rezoning request, because the other offices had received individual PUDs and this parcel was apparently left out.

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Mr. Vogelsang advised that he concurred with Mr. Forbes' statements, that the proposed development complies with the Comprehensive Plan, and is consistent with the surrounding office buildings.

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

Mr. Forbes advised that this is the first reading of the ordinance, and it will come before the Council at their next meeting for its second reading and possible approval.

ADJOURNMENT

There being no further business coming before the Council, Mayor Latham adjourned the meeting at 7:47 p.m.

Submitted by: Judy L. Bullock
City Clerk

Approval:

/s/William C. Latham

William C. Latham, Mayor

Date: September 3, 2013