

**Minutes of Regular City Council Meeting
held Tuesday, September 3, 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.

APPROVAL OF MINUTES

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

- Budget Workshop held August 12, 2013
- Budget Workshop held August 13, 2013
- Regular City Council Meeting held August 19, 2013

ANNOUNCEMENTS

Councilmember Jeanell Wilson

- Ms. Wilson announced that the event “Taste of Jax Beach” is tonight.

City Manager George Forbes

- Mr. Forbes explained that the “Taste of Jax Beach” is a free event designed to get people into the Downtown Restaurants to see what they have to offer. Mr. Forbes added that the event appears to be very successful and the City has received outstanding publicity.

Mayor Latham

- Mayor Latham extended his appreciation to Better Jacksonville Beach Group for organizing the “Taste of Jax Beach” event.
- Mayor Latham advised that he was a guest speaker at the Kiwanis Club Luncheon on August 22, 2013. He added that the organization is looking for members, and if anyone is interested, please contact him for additional information.

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- Mayor Latham expressed his appreciation to the City Manager and City Staff for the work that went into the “Paid Parking” workshop on August 28, 2013 and the work that continues. He also advised that he had spoken with St. Augustine’s Vice Mayor, Nancy Sykes-Klein, and she provided him with several “lessons learned” regarding paid parking. That information has been passed on to Mr. Forbes.
- Mayor Latham commented that he tries to ride a full shift with Jacksonville Beach Police Officers at least once a month and stated, this past Saturday he road with Officer David Cohill. As with all of the officers he has ridden with, Officer Cohill is an outstanding Police Officer. Mayor Latham added that he is very proud of all the Firefighters and Police Officers and he extended his appreciation to each of them.

COURTESY OF THE FLOOR TO VISITORS

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

- (a) Approval to Allow the Beaches Area Historical Society to Permanently Close and Install Landscaping in the Former Right-of-Way of North 5th Street that was Legally Closed by Ordinance No. 7255 on July 2, 1984

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve a request from the Beaches Area Historical Society to permanently close North 5th Street between Beach Boulevard and Pablo Avenue, to allow the Historical Society to redevelop the roadway in substantial compliance with the preliminary engineering plans prepared by James DuPree, Architect, dated May 2013.

Speakers:

- Maarten VandeGuchte, 381 Beach Boulevard, Jacksonville Beach, Executive Director of Beaches Museum and History Park.

Mr. VandeGuchte spoke in favor of closing North 5th Street between Beach Boulevard and Pablo Avenue. He also explained that the Historical Society plans to add a Florida Cracker House to the historical park.
- Walter Dickinson, 5187 Dixie Landing Drive, Jacksonville
Mr. Dickinson spoke in favor of the street closing and provided handouts to Councilmembers. (*on file*)
- Jim Overby, 21 Burling Way, Jacksonville Beach
Mr. Overby spoke in favor of the street closing.
- David Plummer, 120 North 5th Street, Jacksonville Beach (owner of Cypress Recording Studio)

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Mr. Plummer stated that he wanted the action taken to be for the good of the community and that closing the street would be best for the Beaches Area Historical Society.

- Peggy Cornelius, 218 Bay Street, Neptune Beach

Ms. Cornelius spoke in favor of closing the street and adding a Cracker House built in 1873 to the Historical Park.

- Keith Faver, 415 Pablo Avenue, Jacksonville Beach (Faver Gray Building on Pablo Avenue)

Mr. Faver spoke in favor of closing the street.

- Maxwell Dickinson, 1199 Beach Avenue, Atlantic Beach

Mr. Dickinson spoke in favor of closing the street.

Mr. Forbes provided Councilmembers with a Traffic Study performed August 26 to September 2, 2013 and advised that the request was to close a small portion of 5th Street, which was closed by ordinance in 1984 (*Ordinance No. 7255*). He explained that when a street or right-of-way is closed the property becomes a part of the properties abutting the closure. In this case, the City of Jacksonville Beach owns the closed street because the property where the Historical Park is located is also owned by Jacksonville Beach.

He added, if Council allows the street closing and subsequent landscaping, the Beaches Area Historical Society would need to go through the City to move another structure onto the property. Mr. Forbes advised that he is in receipt of a letter from Father Kelly, St. Paul's Catholic Church, stating he is in favor of the street closing. (*on file*)

Ms. Hoffman expressed her appreciation to the Historical Society for their commitment to preserve the City's history and stated that she is in favor of closing the street.

Mr. Doherty referred to the Traffic Study and asked Chief of Police, Pat Dooley, if the street is closed, do they foresee any negative impact on the surrounding roadways. He also asked if changes to the turning lane on Beach Boulevard would be reconfigured.

Chief Dooley responded that there will be some impact on the surrounding roadways, but it would not be detrimental.

Mr. Forbes addressed Mr. Doherty's question regarding the turning lane on Beach Boulevard. He advised that initially, the City would install signage that the street is closed.

Mr. Doherty also asked if a sign could be placed directing people to the location of Cypress Recording Studio, due to the loss of the visual access.

Ms. Wilson expressed her appreciation to the Historical Society for their hard work in preserving the history of the Beaches. She also voiced her concerns regarding the impact on surrounding streets and noted that the traffic study indicated higher numbers than expected.

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Mr. Taylor advised that he is concerned about access to area businesses and stated that he is in favor of the addition of a Cracker House to the park.

Mr. Vogelsang expressed his appreciation to the Historical Society for showing the history of the Beaches. He stated that closing the street and connecting the two parts of the park is a good move. Mr. Vogelsang also asked if signage and barricades will be used and if they could be erected before construction begins allowing drivers to become accustomed to the street closure.

Police Chief Dooley advised that signage and barricades would be utilized during the project by the contractor.

Mayor Latham advised that the street closure would be best for the City, and it was already closed in 1984 by ordinance. He noted that the traffic study numbers were higher than anticipated. Mayor Latham added that the Cracker House the Historical Society wants to add to the park must meet the aesthetics of the other items in the park. Mr. Forbes added that the approval of the street closing request is not an approval to move the Cracker House onto this property. Plans and specifications must be approved similar to the Chapel project.

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

- (b) Authorize Additional Budget of \$2,656.45 for the Ongoing Copper and Cyanide Mixing Zones Assessment Study with *CDM Smith*

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize a budget increase of \$2,656.45 to pay for the additional work items required for the Copper and Cyanide Mixing Zones Assessment Study with *CDM Smith*, as explained in the memorandum from the Public Works Director, dated August 25, 2013.

Mr. Forbes displayed a map of the Effluent Water route and advised that our treated wastewater travels close to the mouth of the St. Johns River where it is disposed. The cities of Neptune Beach and Atlantic Beach also share the pipeline for their treated wastewater along with Jacksonville Beach and they shared in the cost of installing the pipeline.

He explained that the City must apply for a federal permit and meet their standards for treatment of wastewater. The three Beach Cities applied to install a larger mixing zone for copper and cyanide, which would accommodate all three of the City's needs. Subsequently, the Federal Department of Environmental Protection rejected the larger merged mixing zone and advised that the mixing zone would have to be adjusted to comply with existing mixing zone rules. The consultant work to respond to the new requirements was not included in the budgeted amount originally approved by the City Council. He added that the study is being led by the City of Atlantic Beach and each City is paying their share of the cost.

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

- (c) 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 Number 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, including replacement of waterlines, piping, and a new sidewalk. He explained that the pumping stations carry sewage to the Waste Water Treatment Plant and if one lift station fails, there would be a sewage backup.

Public Works Director Ty Edwards added that they have experienced some major issues with Lift Station No. 1.

Mr. Forbes stated that this item was on the August 19, 2013, Council Agenda; however, there was a possible bid protest and action on this project was tabled until this meeting. He added that the bid protest was unfounded.

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

RESOLUTIONS

ORDINANCES

(a) ORDINANCE NO. 2013-8030 – SECOND READING

Mayor Latham requested that Ordinance No. 2013-8030, 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 PUD is for a 1,608 sq. ft. office building located on the west side of Isabella Boulevard, 150 ft. south of Osceola Avenue.*)”

Speaker:

- Jim Overby, 21 Burling Way, Jacksonville Beach
Mr. Overby advised that he is not opposed to the project, just to the process of "Spot Zoning".

Mr. Forbes referred to the displayed map that shows where the proposed building would be located and noted that the surrounding developments are 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".

He then read the following:

“The subject property is bordered by office development to the north, east, and south, and by a large retention pond to the west. Its proposed use, then, is consistent with existing and proposed land uses in the area. The proposed rezoning represents logical in-fill development within an existing office park. The development, as proposed, will not adversely impact the natural environment.”

Mr. Forbes stated that the proposed development is consistent with the City’s Comprehensive Plan.

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.

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

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the Findings of Fact for Ordinance No. 2013-8030, dated August 21, 2013.

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

ADJOURNMENT

There being no further business coming before the Council, Mayor Latham adjourned the meeting at 8:03 p.m.

Submitted by: Judy L. Bullock
City Clerk

Approval:

/s/William C. Latham

William C. Latham, Mayor

Date: September 16, 2013