

**Minutes of Regular City Council Meeting
held Monday, October 7, 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 were City Manager George Forbes, City Department Directors, and Senior Secretary Cathy Martinich.

APPROVAL OF MINUTES

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

- City Council Briefing held September 16, 2013
- Regular City Council Meeting held September 16, 2013

ANNOUNCEMENTS

(a) Certificate of Achievement for Excellence in Financial Reporting

Mayor Latham presented Finance Officer Harry Royal with the award, and said that this is the 20th consecutive year the City has received this award.

- Councilmember Tom Taylor announced the Ferry Fest would be held on Saturday, October 12, 2013 and encouraged people to attend and support the ferry. He said he and Dr. Dumont were invited by Jacksonville City Councilman Bill Guilliford to be on the Jacksonville Consolidated Government Committee. He said the next few meetings are about the Beaches from 9:00 until 12:00, at City Hall in Jacksonville.
- Councilmember Jeanell Wilson announced that the "Downtown Art Walk" event is tomorrow night.

- Mayor Latham announced the workshop scheduled for Wednesday, October 9, 2013 at 6:30pm in the Council Chambers. He also said he spoke at the Citizen Police Academy graduation ceremony for Class 31, and recommended the program to all citizens.

COURTESY OF THE FLOOR TO VISITORS

- Mick Durocher, 41 Millie Drive, Jacksonville Beach
Mr. Durocher spoke about the former George Moore property and Grunthal's development plans for parking.

MAYOR AND CITY COUNCIL

CITY CLERK

CITY MANAGER

- (a) Approve the Final Plat for the *Hawks Landing* Subdivision (This is a 5 Lot Townhouse Development on the South Side of 7th Avenue North, 100' East of 5th Street North)

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the Final Plat for the Hawks Landing subdivision.

Mr. Forbes explained this is a small five-unit townhouse complex. Owners would own the unit and property it sits on.

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

- (b) Approve \$175,000 for the Purchase of 23 Self Contained Breathing Apparatuses, 32 Spare Bottles, Escape Cylinders, and Associated Equipment from *Ten-8 Fire Equipment*.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve \$175,000 to purchase MSA Self Contained Breathing Apparatuses and equipment, as described in a memo from Fire Chief Gary Frazier, dated September 19, 2013.

Mr. Forbes gave details of the Self Contained Breathing Apparatuses and equipment scheduled for purchase.

Chief Frazier gave a demonstration of the current equipment, and talked about new features that would be included in each unit. Discussion ensued regarding the equipment and training involved for the firefighters.

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

- (c) Authorize Change Order for Construction of the Wingate Park Stormwater Pond Erosion Control Project

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize the Wingate Park Stormwater Pond Erosion Control Project by change order to Unit Price Bid 1213-08, South Beach Area Redevelopment Project, with *G&H Underground Construction, Incorporated*, as explained in the memorandum from the Parks and Recreation Director, dated October 2, 2013.

Mr. Forbes said the retention pond located at the dog park needs repair. Mr. Meadors explained the work would include the slopes, bulkhead, installation of pavers, sod, irrigation, repairs, and installation of a magnetic gate to the dog park. It was noted the pavers would provide an even surface that would allow wheelchairs and power chairs to move easily on the path.

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

(d) Approve Lease Agreement for Miranda Contracting at the Jacksonville Beach Industrial Park.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to authorize the City Manager and Mayor to execute a lease agreement with *Miranda Contracting* to lease property at the Jacksonville Beach Industrial Park, as described in a memo from Diana Pratt, Property Management Supervisor, dated October 4, 2013.

Mr. Forbes explained the City owns the industrial park (old City yard). The contractor needs a location for a “lay-down site” and that it is common for the City to lease the land to contractors for municipal construction projects. He said that the Council Memo states six months but the lease is for seven months, and noted it could possibly extend to 18 months.

Ms. Wilson asked about the taxes collected on City-leased properties. Mr. Forbes stated that the contract requires the lease to pay all taxes. Discussion ensued about the tenant obligations.

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

RESOLUTIONS

ORDINANCES

(a) **ORDINANCE NO. 2013-8033 – FIRST READING – PUBLIC HEARING**

Mayor Latham requested that Ordinance No. 2013-8033, be read by title; whereupon Ms. Martinich read the following:

“AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT ORDINANCE NO. 7411, AS AMENDED, 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.” (South Beach Regional Shopping Center – This Will Modify the Approved Planned Unit Development to Allow the Construction of an Additional 12,000 Sq. Ft. of Tenant Space, and a Minor Increase in Wall Signage)”

Mayor Latham read the following statement for the record:

“This ordinance to amend the rezoning of this 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 amendment 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 zoning amendment request.”

Public Hearing

Mayor Latham opened the public hearing on Ordinance No. 2013-8033 and asked if the applicant or their agent was present and if they would like to make a presentation.

Speaker:

- Mr. Doug Skiles, Envision Design Plus Engineering
Representing Equity One, Property Owner
2002 San Marco Boulevard, Jacksonville, FL

Mr. Skiles reviewed the 12,066 square feet renovation and the additional parking planned for the Sandcastle shopping center. He answered questions regarding design, proper drainage, adequate parking, and signage for the project. Discussion ensued about the project.

Mr. Forbes stated that the applicant plans to change the elevation, and Mr. Skiles gave a brief description of the proposed change. He said this part of the elevation is different from the previous proposal, because of structural issues. He asked that Mr. Skiles describe the change to the elevation of the building. Mr. Mann distributed a drawing, Exhibit B, of the newly proposed elevation to Council members. Mr. Forbes explained that when voting on the ordinance, it would include the new Exhibit “B”. (“Attached, and made a part of these minutes.)

There being no further speakers, and no one wished to speak in favor or against the motion, 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’s Office had received any additional written communications; Ms. Martinich responded no.

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 ordinance.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8033, amending Ordinance No. 7411, as amended, governing South Beach Regional Shopping Center to allow construction of a total of 12,066 square feet of new tenant space, and to allow an additional 90 square feet of wall signage on the east face of the Sandcastle 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.”

Mr. Forbes asked for a point of order, asking Councilmember Taylor if his motion included the revised Exhibit “B”, drawing that was distributed by Mr. Mann.

Councilmember Taylor stated “yes”, that his motion included the new Exhibit “B”.

Mr. Doherty asked if Mr. Skiles was in a position to disclose who the future tenants were. Mr. Skiles said he could not at this time, and that their request included accommodations for a store or restaurant, consistent with the existing PUD ordinance.

Ms. Wilson asked about the AT&T store's facade and retention ponds in the shopping center. She commented traffic control in front of the westerly freestanding business would likely be necessary because City buses and cars use the parking lot as a thorough fare. She suggested a crosswalk or flashing lights to ensure pedestrian safety.

Mr. Hartkemeyer asked if a large stormwater pipe currently runs underneath Staples.

Mr. Lindorff replied that there is and referred to the map on screen. He said there are plans for construction of two manholes, so we can gain access to the stormwater pipe.

Mayor Latham asked if provisions have been made to assist current tenants that will be impacted by the proposed construction project. Mr. Skiles said relocation space is available for tenants that choose to stay in the shopping center.

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

(b) **ORDINANCE NO. 2013-8031 – SECOND READING**

Mayor Latham requested that Ordinance No. 2013-8031, be read by title; whereupon Ms. Martinich 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 is for a 59 Lot Residential Subdivision Located at the Northwest Corner of Butler Boulevard and South Beach Parkway)”

Motion#1: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8031, establishing a Planned Unit Development: PUD zoning district, pursuant to Chapter 34 of the Code of Ordinances of the City of Jacksonville Beach.

Speaker:

- Kathleen Gall, 4059 Palm Way, Jacksonville Beach, FL
Ms. Gall expressed her concerns regarding the proposed Planned Unit Development. She distributed documents and photographs to the Council.
- Mr. T. R. Hainline, Applicant Representative
1301 Riverplace Boulevard, Jacksonville, FL
Mr. Hainline said he was in attendance to address any questions that arose.

Mr. Forbes referred to the slides and explained that many subdivisions in the City were built in the 1920's and 1930's. Over the years, every effort has been made to rehabilitate problems from homes built prior to infrastructure being installed. He said if not approved

tonight, the builder could develop the current 53 lots as he chooses. If the 59 lots are approved, there will be preserved buffer tracts of trees, drainage improvements, and the proper infrastructure installed.

Mr. Taylor asked about the proposed relocation of the traffic light and flow of traffic.

Ms. Wilson asked Mr. Lindorff to discuss the planned traffic patterns.

Mr. Doherty asked about street grading and the drainage system. Mr. Lindorff explained the runoff and engineering plans that provide adequate water drainage. He said that the road on Palm Way needs to be lowered to correct the flooding problems, but residents do not want to remove the tree in the middle of the road.

Mayor Latham asked about the traffic lights on South Beach Parkway and Marsh Landing Parkway.

Mr. Doherty voiced his concerns regarding increased traffic flow on 3rd Street, South Beach Parkway and Jacksonville Drive due to the expansion of retail developments at the shopping center.

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

Mr. Forbes stated that this vote is to adopt the Findings of Fact for the Ocean Terrace subdivision.

Motion#2: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the Findings of Fact for Ordinance No. 2013-8031, dated September 16, 2013.

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

(c) **ORDINANCE NO. 2013-8032 – SECOND READING**

Mayor Latham requested that Ordinance No. 2013-8032, be read by title; whereupon Ms. Martinich read the following:

“AN ORDINANCE VACATING, DISCONTINUING, ABANDONING AND CLOSING PORTIONS OF CERTAIN PUBLIC ALLEYS AND CERTAIN PUBLIC RIGHTS OF WAY KNOWN AS POINCIANA BOULEVARD AND TROPICAL TERRACE LOCATED IN OCEAN TERRACE SUBDIVISION, AS RECORDED IN PLAT BOOK 10, PAGE 2, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2013-8032, vacating, discontinuing, abandoning, and closing portions of certain public alleys and certain public rights-of-way, known as Poinciana Boulevard and Tropical

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Terrace located in the Ocean Terrace subdivision, as recorded in Plat Book 10, Page 2, of the current public records of Duval County, Florida.”

Mr. Forbes explained that because the new subdivision is approved, this vote is to abandon the current platted street and alley rights of way and have their ownership revert to the developer, which will allow a new subdivision to be platted.

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

Ms. Hoffman asked Mayor Latham to announce the information regarding the Wednesday, October 9, 2013 Workshop.

ADJOURNMENT

There being no further business coming before the Council, Mayor Latham adjourned the meeting at 8:25 p.m.

Submitted by: Catherine Martinich
City Clerk's Office

Approval:

/s/William C. Latham
William C. Latham, Mayor

Date: October 21, 2013