

**Minutes of Regular City Council Meeting
held Monday, May 5, 2014, 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 Taylor; followed by the Salute to the Flag.

ROLL CALL:

Mayor: William C. Latham

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

Also present were City Manager George Forbes, City Department Directors, and Assistant City Clerk Nancy Pyatte.

APPROVAL OF MINUTES

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

- **Regular City Council Meeting held April 21, 2014, as amended, to correct spelling of the first name of Senator Gibson, page 2, 1st paragraph.**
- **City Council Workshop held April 28, 2014**

ANNOUNCEMENTS:

Mayor Latham

Mayor Latham expressed his thanks and appreciation to the Director of Parks and Recreation, Gary Meadors, to the Police Chief, Pat Dooley, and to the Fire Chief, Gary Frazier, for coordinating another great Beaches Opening Day Parade.

The downtown hospitality program project is underway and the Mayor extended his thanks and appreciation to the City Manager, George Forbes, Police Chief, Pat Dooley, and the Assistant Finance/Budget Officer, Trish Roberts, for all their work put into this program. There was a great first meeting, tours are underway, and we look forward to the results of the surveys in a few weeks.

The Mayor stated he was honored to participate in a ribbon cutting for the new 'Legends of Real Estate' office located at 1236 South 3rd Street on April 29, 2014.

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There was a Town Hall meeting on May 1, 2014 at Ocean Cay and the Mayor thanked Chief Dooley and Officer Carlene Bowman for their participation. There will be a Town Hall meeting with The Sanctuary next. The Mayor encouraged residents to contact him, or Chief Dooley, if there is an interest in hosting a Town Hall meeting in a Jacksonville Beach neighborhood.

Council Member Hartkemeyer

Mr. Hartkemeyer announced that the Youth Team for *Infinity All Stars* participated and won in the ESPN Worldwide Sports in Orlando.

The Mayor announced that there will be a Hazardous Waste & E-Waste Mobile Collection Event on Saturday, May 17, 2014. This will be from 9:00 a.m. to 3:00 p.m. at the Operations & Maintenance Facility, 1460 Shetter Avenue.

COURTESY OF THE FLOOR TO VISITORS:

MAYOR AND CITY COUNCIL:

CITY CLERK:

CITY MANAGER:

(a) Approve a Partnership with the Sulzbacher Center for the Chronically Homeless Offender Project

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve a partnership for the Chronically Homeless Offender Project as described in a memo from the City Manager dated April 20, 2014.

The Chronically Homeless Offender Project (CHOP) is a partnership with the City of Jacksonville Beach, the Sulzbacher Center, and the Court system sharing the goal of breaking an individual's cycle of vagrancy and repeated arrests in order to live an independent life.

The City Manager stated that CHOP is a twelve month pilot project. The Sulzbacher Center will pay the first years' cost, estimated at \$30,000.00. There will be an evaluation at the end of the first year. If this program is successful the Sulzbacher Center will request that the City pay for the second years' cost.

Cindy Funkhouser, President and CEO of Sulzbacher Center, addressed the Council and explained the CHOP candidate selection and program requirements. Participation in this program is a condition of probation and closely monitored.

A brief discussion ensued about what CHOP includes and the housing resources. Ms. Funkhouser described the process and services. She stated that HUD housing and other

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participating property owners throughout Jacksonville will be utilized for the CHOP participants.

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

(b) Approval of the Attached Final Plat Documents for the *Preserve at Waterway Island*, a Proposed 12 Lot Single-Family Residential Subdivision Under Development on the South Side of Seagate Avenue at the Intracoastal Waterway Marsh, in the Northwest Corner of Jacksonville Beach. (Hopkins Creek Real Estate Holdings, LLC – Applicant)

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the Final Plat for the *Preserve at Waterway Island* single-family subdivision.

Mr. Forbes reviewed the location map stating this will be a cul-de-sac street. There will be six marshfront lots on the west side, five on the east side, and one at the end of the street.

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

(c) Award Bid Number 1314-06 for the Purchase of Padmount Switchgear and Pole Mounted Air Break Switches

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to award Bid Number 1314-06 to Trayer Engineering Corporation for the purchase of padmounted switchgear (bid items 1 through 4) and to Stuart C. Irby for the purchase of pole mounted air break Switches (bid item 5).

Mr. Forbes stated funding for this project is budgeted in the Beaches Energy Services.

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

RESOLUTION:

(a) RESOLUTION NO. 1932-2014

Mayor Latham requested that the Assistant City Clerk read Resolution No. 1932-2014, by title only; whereupon Ms. Pyatte read the following:

“A RESOLUTION AMENDING THE ENERGY EFFICIENCY AND CUSTOMER INCENTIVE REBATE PROGRAM.”

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Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Resolution No. 1932-2014 amending the Energy Efficiency and Customer Incentive Rebate Program.

Mr. Forbes explained this proposed rebate program is for commercial customers to receive up to \$2,500 credit per year for a retrofit/upgrade of their existing lighting fixtures. Rik Amato, Conservation Specialist for Beaches Energy Services, will review the retrofit/upgrade worksheet and perform an on-site energy evaluation.

The State of Florida adopted the mandatory building code requirement to include programmable thermostats, so we are proposing to remove the programmable thermostat rebate.

Glenda Wagner, Customer Service Supervisor of Utility Billing, and Rik Amato were recognized by the City Manager and he commended them on their leadership in this program.

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

ORDINANCES:

(a) ORDINANCE NO. 2014-8052 – Second Reading

Mayor Latham requested that the Assistant City Clerk read Ordinance No. 2014-8052, by title only; whereupon Ms. Pyatte read the following:

“AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA BY AMENDING ARTICLE IV, SECTION 21-53. ‘DURATION OF SALES ACTIVITIES’ OF CHAPTER 21 PEDDLERS AND SOLICITORS, TO MODIFY THE PERMISSIBLE DATES FOR FIREWOOD SALES; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2014-8052 amending Chapter 21, Section 21-53 ‘Duration of Seasonal Sales Activities’ of the Code of Ordinances of Jacksonville Beach to extend the permissible times for the sale of firewood.

Mr. Forbes explained this will allow a longer time for firewood sales from October 15th through March 15th annually.

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

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(b) ORDINANCE NO. 2014-8053 – First Reading (Public Hearing)

Mayor Latham requested that the Assistant City Clerk read Ordinance No. 2014-8053, by title only; whereupon Ms. Pyatte read the following:

“AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, BY AMENDING ARTICLE VII. ZONING DISTRICTS, DIVISION 2, SECTION 34-344. COMMERCIAL SERVICE: CS, PARAGRAPH (b) PERMITTED USES TO ADD “PHYSICAL FITNESS FACILITIES” TO THE LIST OF PERMITTED USES IN THE COMMERCIAL SERVICE: CS ZONING DISTRICT; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.”

The Mayor opened the Public Hearing and asked if there was anyone who wished to speak. There was no one who wished to speak and the Public Hearing was closed.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2014-8053 amending the text of the Land Development Code to add ‘Physical fitness facilities’ to the list of permitted uses in the *Commercial service: CS* zoning district.

Mr. Forbes stated the owner wants to lease space to a yoga studio, which is classified as physical fitness, and is not a permitted use in this zoning district. The Planning Commission, on April 14, 2014, heard the request to amend the text of the Land Development Code and recommended its approval by City Council.

Mayor Latham stated he wanted to amend the ordinance to add ‘physical fitness facilities, excluding weight lifting facilities and weight training apparatus’ to the list of permitted uses in the *Commercial Service: CS* zoning district. Mr. Latham explained there have been numerous noise complaints about some physical fitness gyms that have opened in the City. The complaints are for noise coming from these locations, with doors closed and open. People have complained of loud banging from dropping heavy weights onto floors, as well as vibrations from the drops, and the time of day this is occurring. Also, some of the training is conducted outside of the facility.

Motion to Amend: Mr. Taylor made an amended motion, seconded by Mr. Hartkemeyer, to add ‘physical fitness facilities, excluding weight lifting facilities and weight training apparatus’ to the list of permitted uses in the *Commercial Service: CS* zoning district.

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Discussion ensued about the added restriction to the proposed amendment. It was noted that the excessive noise is a Nuisance code violation, monitored via the Police department and Code Enforcement. It is not a violation to workout/exercise outdoors, but there are codes addressing noise.

Roll call vote: Ayes - Doherty, Hartkemeyer, Taylor, Wilson, and Mayor Latham
Nays – Vogelsang
Motion to amend Ordinance No. 2014-8053 carried with a 5 to 1 vote.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt *as amended* Ordinance No. 2014-8053 amending the text of the Land Development Code to add ‘Physical fitness facilities, excluding weight lifting facilities and weight training apparatus, to the list of permitted uses in the *Commercial Service: CS* zoning district.

Roll call vote: Ayes - Doherty, Hartkemeyer, Taylor, Wilson, and Mayor Latham
Nays – Vogelsang
Motion to adopt *as amended* carried with a 5 to 1 vote.

The Mayor recognized two Fletcher students, Amy and Lena, in attendance at tonight’s meeting for academic credit.

ADJOURNMENT

There being no further business coming before the Council, Mayor Latham adjourned the meeting at 7:55 p.m.

Submitted by: Nancy J. Pyatte
Assistant City Clerk

Approval:

/s/William C. Latham

William C. Latham, Mayor

Date: May 19, 2014