

**Minutes of Regular City Council Meeting  
held Monday, September 15, 2014, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> 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: William C. Latham

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

Also present were City Manager George Forbes, City Attorney Susan Erdelyi, 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, as presented:

- Regular City Council Meeting held September 2, 2014
- Special City Council Meeting held September 3, 2014

**ANNOUNCEMENTS**

Council Member Chris Hoffman –

- Ms. Hoffman congratulated the Police and Animal Control Departments on their handling of the ‘Great Bear Scandal of 2014’.

Council Member Keith Doherty –

- Mr. Doherty stated that he’s been approached by a Lacrosse and a Soccer teams about starting leagues (adult & youth) at the beach and use of fields, and the possibility of designating a public field. Discussion ensued about the popularity and growth of these sports, noting Jacksonville’s new professional soccer team, the Armada. The maintenance benefits of installing artificial turf was discussed, especially if the fields get utilized more. Mr. Forbes said the City can check with the school district about the use of some of their fields.

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Mayor Latham –

- Mayor Latham extended his appreciation to the city employees and elected officials for a great year. Under the leadership of City Manager George Forbes and Finance Officer Harry Royal, the City is once again in sound financial condition. This year's budget is 14% less than the previous year. The union contracts and pension system are sound. The millage rate will be lowered this year and our electric rates have decreased. The City will be debt free in less than six years and the future is very bright for the city and its citizens.
- Mayor Latham announced there will be a TPO meeting on Tuesday, September 23, 2014 at City Hall from 5:00 P.M. to 7:00 P.M. The Long Range Transportation Plan and Cost Feasible Plan, and the project budgets will be discussed. Public input is encouraged.
- Mayor Latham expressed his gratitude to Chief Dooley and Officer Bowman for conducting the town hall meeting with him at the Carver Center on September 11, 2014.

**COURTESY OF THE FLOOR TO VISITORS**

**Speakers:**

- Sandy Golding, 1203 18<sup>th</sup> Ave. N., Jacksonville Beach

Ms. Golding expressed her concerns about the limited amount of time for reviewing the council agenda packet prior to the meeting, especially when there are public hearing items. Currently the agenda is made available 2:00 P.M. on the Thursday before the Monday Council meeting. Ms. Golding suggested making the public hearing materials available a week before the meeting/public hearing.

**MAYOR AND CITY COUNCIL**

**CITY CLERK**

**CITY MANAGER**

(a) Monthly Financial Reports – Month of August 2014

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the Monthly Financial Reports for the month of August 2014.

Ms. Hoffman had a question about the \$139 thousand distribution of communication services taxes received in 2013 for prior years – why delayed and would this continue?

It was explained that the tax is based on point of origin, and sometimes the state sends the money to the wrong city. The State controls that and Mr. Forbes said that there is legislation to reduce the amount of communication services taxes that we receive.

Voice vote resulted in all Ayes; motion to approve carried unanimously.

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- (b) Approve the Dedication to the City and Acceptance for Maintenance of the Public Infrastructure Improvements (Potable Water, Sanitary Sewer, Stormwater, and Roadway and Underground Electrical Improvements) Constructed by the Developer, *ATL Coastal Properties, LLC*

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the dedication to the City and acceptance for maintenance for the Preserve at Waterway Island as described in the memorandum from the Public Works Director dated September 4, 2014.

Mr. Forbes stated this is a new subdivision for the City; the roads, water and sewer, and the utilities are completed. The motion is to accept these utilities for maintenance.

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

- (c) Approve Contracts with Florida Blue, MetLife, SunLife, Advantica and Allstate for Employee Health, Dental, Life, Vision and Supplemental Insurance

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve contracts with Florida Blue, MetLife, SunLife, Advantica and Allstate for employee health, dental, life, vision and supplemental insurance.

Mr. Forbes stated these are the same insurance policies that we have now and the only change is a 1.66% increase with Florida Blue; all the others remained the same.

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

- (d) Approve the Purchase of an Upgrade to the ArcGIS Software to be Performed by ESC Engineering, Inc.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to approve the purchase of an upgrade of the City's ArcGIS software as described in a memorandum from the Information Systems Supervisor dated September 6, 2014.

Mr. Forbes said this is a result of the 'GIS health check' performed to determine steps to improve the system capabilities and expand the system. The upgrade will also include three mobile device applications.

A brief discussion ensued about the cost and the accessibility of the mobile apps. Kent Haines, IS Supervisor, confirmed the cost is for this upgrade and licensing. He stated that with this software vendor the City does not have to do upgrades that often. We now have GIS Version 10.1 and will upgrade to GIS Version 10.211. The software will be on the City servers and, over time, mobile apps will be available to employees and citizens.

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

**RESOLUTIONS**

**(a) RESOLUTION NO. 1937-2014**

Mayor Latham requested that the Clerk read Ordinance No. 2014-8057, by title only; whereupon Ms. Pyatte read the following:

“A RESOLUTION AMENDING THE OPERATING BUDGET OF THE CITY OF JACKSONVILLE BEACH, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2013 AND ENDING SEPTEMBER 30, 2014.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Resolution No. 1937-2014 authorizing the year-end budget adjustment.

The City Manager reviewed the funds that are reserved for the replacement/upgrade of the radio systems, the business applications, and building repairs and roof replacements. Mr. Forbes explained the necessity to plan ahead for large anticipated expenses the City will incur in the upcoming years.

Mr. Forbes clarified for Ms. Wilson that the funding reserved for the Sea & Sky Spectacular is not in next years' budget.

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

**ORDINANCES**

**(a) ORDINANCE NO. 2014-8060 – Second Reading**

Mayor Latham requested the Clerk read Ordinance No. 2014-8060, 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 PARAGRAPH (B) PERMITTED USES AND PARAGRAPH (D) CONDITIONAL USES OF SECTION 34-336 RESIDENTIAL, SINGLE-FAMILY; RS-1, SECTION 34-337 RESIDENTIAL, SINGLE-FAMILY: RS-2, SECTION 34-338 RESIDENTIAL, SINGLE-FAMILY: RS-3, SECTION 34-339 RESIDENTIAL, MULTIPLE-FAMILY RM-1, SECTION 34-340 RESIDENTIAL, MULTIPLE-FAMILY: RM-2 OF DIVISION 2, ZONING DISTRICTS, PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, OFF-STREET PARKING AND

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LOADING STANDARDS, SIGN STANDARDS AND ENVIRONMENTAL STANDARDS OF ARTICLE VII. ZONING DISTRICTS TO DELETE PUBLIC AND PRIVATE PARKS, PLAYGROUNDS AND RECREATIONAL FACILITIES FROM THE LIST OF PERMITTED USES AND TO ADD PUBLIC AND PRIVATE PARKS, PLAYGROUNDS AND RECREATIONAL FACILITIES TO THE LIST OF CONDITIONAL USES IN RESIDENTIAL, SINGLE-FAMILY: RS-1, RESIDENTIAL, SINGLE-FAMILY: RS-2, AND RESIDENTIAL, SINGLE-FAMILY: RS-3 ZONING DISTRICTS AND TO DELETE PUBLIC PARKS, PLAYGROUNDS AND RECREATIONAL FACILITIES FROM THE LIST OF PERMITTED USES AND TO ADD PUBLIC PARKS, PLAYGROUNDS AND RECREATIONAL FACILITIES TO THE LIST OF CONDITIONAL USES IN RESIDENTIAL, MULTIPLE FAMILY: RM-1 AND RESIDENTIAL, MULTIPLE FAMILY: RM-2 ZONING DISTRICTS: TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.”

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2014-8060, amending the Land Development Code by changing public and private parks, playgrounds, and recreational facilities from permitted uses to conditional uses in the City’s five residential zoning districts.

Mr. Forbes summarized that this means that public and private parks, playgrounds, and recreational facilities will now have to apply to the Planning Commission for conditional use approval in order to go into residentially zoned neighborhoods.

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

**(b) ORDINANCE NO. 2014-8058 – First Reading (CONTINUANCE OF PUBLIC HEARING)**

Mayor Latham requested the Clerk read Ordinance No. 2014-8058, by title only, holding a public hearing; whereupon Ms. Pyatte read the following:

“AN ORDINANCE ESTABLISHING A *REDEVELOPMENT DISTRICT*: *RD* ZONING DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY. (602 N. 1<sup>st</sup> Street, *Mango’s bar*)”

Mayor Latham read the following 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 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

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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 his or her 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 City Council has received a copy of the application and the staff and Planning Commission and Community Redevelopment Agency recommendations on this rezoning request. I will now open the Public Hearing on Ordinance No. 2014-8058."

**Public Hearing**

Mayor Latham opened a Public Hearing on Ordinance No. 2014-8058, and requested that the applicant or agent for the applicant make their presentation.

**Applicant/Agent:**

Steven Diebenow, One Independent Drive, Suite 1200, Jacksonville, FL 32202, stated that he was present on behalf of the applicant. Mr. Diebenow's presentation included PowerPoint slides and a printed copy was distributed to councilmembers (copy on file).

Tara Salmieri, with PlanActive Studio, was introduced and would be addressing the Council after Mr. Diebenow's presentation.

Mr. Diebenow stated that the proposed project has received, thus far, recommendations for approval from Staff, the Community Redevelopment Agency, and the Planning Commission with conditions, which provides competent and substantial evidence to support the application. Since the last meeting on this item, Mr. Diebenow stated they have made significant improvements to the application, addressing concerns expressed previously.

As outlined in the handout, Mr. Diebenow began the review of the application revisions. As noted, the total square footage has been decreased by over 1500 sq.ft. He reviewed the changes as highlighted on the handout, summary as follows:

- Surfer Bar                      decreased 19%
- Office/Retail                increased 300%
- Surfer Common Space      decreased 31%
- Surfer Occupancy         decreased 35%
- Exterior & Patio             decreased 45%

The revised application now has only two patios, instead of three, one upstairs and one downstairs. A condition for a sound barrier (per Planning Commission) on the second floor

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of the building has been included in the revised application. This is to alleviate noise from the outside of the building. Televisions without sound will be allowed outside, but no amplified music or live bands outside.

Mr. Diebenow reviewed additional conditions that the applicant is suggesting and willing to place in the ordinance, summary as follows:

- Maximum occupancy load 325 patrons
- Build retail space simultaneously with Surfer
- TVs without sound on patios, but no amplified music or live bands outside
- Families with children allowed until 10 P.M. nightly
- 12 Parking spaces at 135 5<sup>th</sup> Ave. N. 5 P.M. daily; valet park Thur/Fri/Sat nights
- One space for bicycle parking
- On-site security Fri/Sat nights
- Food service available open to close (Food Truck)

Mr. Diebenow stated that the proposed project is a mixed use development and fits in with what the City is trying to achieve through the use of consultants in the Central Business District. He stated that the addition of this business would make Jacksonville Beach a *Destination*. The applicants are not asking for any incentives, or for relief from the signage code or parking requirements. In addition, the proposed project would be a tremendous improvement over what exists today.

Tara Salmieri, with PlanActive Studio, addressed the Council with a presentation including PowerPoint slides and a printed copy was distributed to councilmembers (copy on file). Ms. Salmieri reviewed her participation working with Jacksonville Beach on the Vision Plan since 2007. Since then, Ms. Salmieri stated that 29 of the 36 initiatives of the Vision Plan have already been achieved, and in a short time period.

Ms. Salmieri reviewed the Community Core Values and how they link to the Five Principles used to develop the Vision Plan – Celebrate Our Assets, Complete the Streets, Mix-it Up, Be Family Friendly, and Design Matters. In summary, Ms. Salmieri stated the proposed project meets the city’s objectives for redevelopment and the Vision Plan supports the mixed use of the Surfer Bar.

Mr. Diebenow returned for his closing statement to the Council. He reviewed the additional conditions and the site specific conditions, stating this is a fantastic project and not just another bar. He stated a vote against Surfer is a vote for Mango’s. Mr. Diebenow said they have submitted competent, substantial evidence that supports this unique opportunity to redevelop the site.

**Public Comment**

Mayor Latham advised that he had cards from the following persons in favor of the application, but do not wish to address the Council:

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Jacksonville Beach

- Kristen Dixon, 3276 Pullian Ct., Jacksonville Beach
- Robert Dixon, 3276 Pullian Ct., Jacksonville Beach
- Michael Haan, 3832 Tropical Ter., Jacksonville Beach
- Grady Hale, 61 Fairway Ln., Jacksonville Beach
- John Johnson, 4300 South Beach Pkwy. #3301, Jacksonville Beach
- Emily Kaufmann, 525 3<sup>rd</sup> St. N. #303, Jacksonville Beach
- Mitch Kaufmann, 620 13<sup>th</sup> Ave. S., Jacksonville Beach
- Nick McMurray, 1031 S 1<sup>st</sup> St., Jacksonville Beach
- Melissa Roughan, 4300 South Beach Pkwy. #3301, Jacksonville Beach
- Holly Smith, 61 Fairway Ln., Jacksonville Beach
- Kelly Suteno, 912 8<sup>th</sup> Ave. N., Jacksonville Beach
- Richard Thompson, 408 15<sup>th</sup> Ave. S., Jacksonville Beach
- Barbara Tilka, 3584 Trident Ct., Jacksonville Beach

Outside Jacksonville Beach

- William Eastow, 1393 Beach Ave., Atlantic Beach
- John B. Knoechel, 717 Valley Forge Rd. E., Neptune Beach
- Michael Mesiano, 1375 Ocean Blvd., Atlantic Beach
- Tiffany L Oliner, 215 Plaza Dr., Atlantic Beach
- Casey Tafuri, 810 Sailfish Dr., Atlantic Beach

**Speakers -**

Mayor Latham opened the floor to persons wishing to speak to the issue:

- James Sorrell, 428 N. 10<sup>th</sup> Ave., Jacksonville Beach, spoke against
- Todd Robinson, 406 3<sup>rd</sup> Ave. N., Jacksonville Beach, spoke against
- Josiah Pritchard, 525 3<sup>rd</sup> St. N. #413, Jacksonville Beach, spoke against
- Jay Dodson, 519 McCollum Cr., Neptune Beach, spoke in favor
- Lance Folsom, 1022 23<sup>rd</sup> St. N., Jacksonville Beach, spoke against
- Sylvia Osewalt, 3 Freedom Way, Jacksonville Beach, spoke against
- Cory Nichols, 1107 S. 1<sup>st</sup> St. C, Jacksonville Beach, spoke in favor
- Kurtis Loftus, 2815 St. Maartens Ct., Jacksonville Beach, spoke in favor
- Harriet Pruette, Mayor Neptune Beach, spoke against
- Rudy Theale, 1656 Dover Hill Dr., Jacksonville, spoke in favor
- Daniel Smith, 130 5<sup>th</sup> Ave. N., Jacksonville Beach, spoke in favor
- Mick DuRocher, 41 Millie Dr., Jacksonville Beach, spoke against
- George Candler, 507 16<sup>th</sup> Ave. S., Jacksonville Beach, spoke against

**Recess 8:55 P.M.**

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Mayor Latham advised that there would be a 10 minute recess.

**Reconvene**

The meeting reconvened at approximately 9:05 P.M., Public Comment continued:

- Jon McGowan, 5 N. 17<sup>th</sup> Ave. #401, Jacksonville Beach, spoke against
- Leah Hudson, 404 3<sup>rd</sup> Ave. N., Jacksonville Beach, spoke against
- Elaine Brown, Neptune Beach, spoke in favor
- Mary Phillips, 934 10<sup>th</sup> St. N., Jacksonville Beach, spoke against
- Alan Verlander, 4233 Morena Ln., Jacksonville, spoke in favor
- Julie Malmstrom, 2042 2<sup>nd</sup> St. S., spoke against
- Ken Marsh, 2027 Gail Ave., Jacksonville Beach, spoke against
- Jim Overby, 21 Burling Way, Jacksonville Beach, spoke against
- Sandy Golding, 1203 18<sup>th</sup> Ave. N., Jacksonville Beach, spoke against
- John B Knoechel, 717 Valley Forge Rd. E., Neptune Beach, No show
- Nick McMurray, 1031 1<sup>st</sup> St. S., Jacksonville Beach, No show

Mayor Latham asked if anyone else in the audience would like to address the Council.

There being no further speakers, Mayor Latham asked if City Attorney Susan Erdelyi had any comments or wished to address any of the applicants or the public comments/questions. Ms. Erdelyi had no comments or questions.

Mayor Latham asked Planning and Development Director Steve Lindorff if he would like to address any of the discussion. Mr. Lindorff had no comments or questions.

**Rebuttal of Applicant or Agent**

Mr. Diebenow stated that the Community Redevelopment Agency voted four to one that the proposed project meets the City's requirements and the Planning Commission voted three to two for approval of the proposed project. He stated they received guidance and approval from Staff for the proposed project. Mr. Diebenow stated they have provided competent and substantial evidence to support the application.

Mr. Diebenow reviewed the application and reiterated that this is for a mixed-use project for a two story building with a bar, food service, and office/retail space. He said it is not just a bar; Mango's is just a bar. Mr. Diebenow expressed that there is large support for this project as demonstrated by the correspondence and petition that were submitted by email. He appreciated all the dialogue and comments provided and closed stating this is a great opportunity.

**Close Public Hearing**

There being no further speakers, Mayor Latham closed the Public Hearing.

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***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 the persons and the substance of any *ex parte* communications. 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 –

- Received email communications (addressed to Mayor & Council) which are available from the City Clerk’s Office as a public record
- July 28 & August 28, 2014 Mayor Latham spoke with Steve Diebenow, Greg Saig, and City Manager George Forbes - about location
- September 3, 2014, spoke with Sandy Golding, Beaches Watch - agenda availability
- September 15, 2014, spoke with Mayor Pruette - opposing proposal

Mayor Latham requested that the Clerk ask each Councilmember if they had any *ex parte* communications.

Councilmember Doherty –

- Received same email communications as Mayor and other Council members
- Before first meeting July 21, 2014, spoke with Greg Saig and Bob Tilka – about plans
- September 15, 2014, spoke with Sandy Golding – about proposal concerns

Councilmember Hartkemeyer –

- Received same emails communications as Mayor and Council members

Councilmember Hoffman –

- Received same emails communications as Mayor and Council members
- July 25, 2014, spoke with Bob Tilka and Greg Saig – about changes to proposal
- September 14, 2014, spoke with Steve Diebenow – to confirm receipt of email

Councilmember Taylor –

- Received same emails communications as Mayor and Council members
- September 15, 2014, spoke with Sandy Golding – about proposal concerns & agenda
- Susan Erdelyi, City Attorney, provided audio for missed July 21, 2014 council meeting

Councilmember Vogelsang –

- Received same e-mails communications as Mayor Council members
- September 14, 2014, spoke with Steve Dibenow to confirm receipt of email

Councilmember Wilson –

- Received same e-mails/messages as received by other Council members.

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- After last meeting July 21, 2014 phone call from David Smith

At this time, Mayor Latham requested a motion on Ordinance No. 2014-8058.

Motion: It was moved by Mr. Taylor, seconded by Mr. Hartkemeyer, to adopt Ordinance No. 2014-8058, establishing a *Redevelopment District: RD Zoning District* to allow the redevelopment of the property at 602 North 1<sup>st</sup> Street into a mixed use Concept Bar/Commercial use center. (Applicant – *Surf Works, LLC, c/o Robert Tilka*)

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 that the basis upon which such facts were determined and how the decision was made.”

Mayor Latham opened the floor to the Council for discussion.

Mayor Latham began with a summary of the speaker cards, as follows:

September 15, 2014:

Outside Jacksonville Beach	4 in favor	1 against
Jacksonville Beach	3 in favor	14 against

July 21, 2014:

Outside Jacksonville Beach	8 in favor	1 against
Jacksonville Beach	7 in favor	9 against

Mayor Latham stated this is not just about replacing an old bar with a new one; if it were, he said he would enthusiastically support the project. This is a request to rezone property to RD zoning that is steeped with ‘exceptions’ that other establishments were forced to comply with.

Over the last twenty years many council members, board members, and staff before us drafted several templates to turn our blighted city into one of the most beautiful beach communities in the country. Those templates included the Haskell-Sleiman Plan, the Vision Plan, the Comprehensive Plan, and the Land Development Code. With all of that success why would we now feel confident making potentially dangerous exceptions to waive additional parking and proximity to other bars.

Mayor Latham said he can support the applicant if they can work within the established zoning requirements, but he can’t support changing the rules to allow, under the argument of ‘mixed-use’, the applicants current application.

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Amended

Motion: An amended motion was made by Mr. Vogelsang to adopt Ordinance No. 2014-8058, with the addition of the applicant's additional conditions [listed on page 2 of Mr. Diebenow's handout] item b, 1 through 9.

Motion failed due to lack of a second.

Mr. Vogelsang stated that he is in favor of the application, as presented, and didn't think that using parking or stating it is a bar are valid reasons to turn it down. The proposed application shows improvements to the property that will tie into our beach community, they are offering food service, and building the office/retail space. Mr. Vogelsang expressed the positives are tenfold over the two negatives.

Ms. Wilson extended her appreciation to the applicants/developers for their presentation and interest in our community. She added that she has visited the location in Hawaii, and it is part of a very large resort, with a full restaurant, and nearby golf course, and it is a destination for surfers. Ms. Wilson stated that she concurred with Mayor Latham's statements. Ms. Wilson said that she is not against this project in our City. She stated that she wasn't sure this location is right for the proposed project.

Ms. Hoffman advised that she is in favor of the location and agrees with a lot of what Mr. Vogelsang has stated. She extended thanks to Ms. Salmieri for her input and revisiting the Vision Plan, which showed that City has invested in the downtown area. Now it's time for businesses to invest in our city, and take it to the next level. Ms. Hoffman stated parking has been and will continue to be a problem and the City needs to address that, but not use parking as a reason to deny this application. This project is an opportunity to make an improvement to this area.

Mr. Hartkemeyer advised that he also has many of the same concerns as the Mayor. He added that parking is definitely an issue in the downtown area and is creating problems west of Third Street in the residential neighborhoods. Mr. Hartkemeyer stated that the design is very appealing, however it is a bar, and he could not support the project as it is not consistent with the Vision Plan. Mr. Hartkemeyer said he didn't think our citizens want to see another bar.

Mr. Taylor expressed his appreciation to the applicants/developers for their presentation and interest in our community. He also agrees this type of project could bring more businesses to our city but he questioned why it has to be affiliated with a bar. He said his definition of family friendly does not include a bar. Mr. Taylor agrees with Ms. Hoffman, that parking has been and will continue to be a problem and the City needs to address that. Mr. Taylor does not agree that we should permit something that will create more parking problems.

The City Manager wanted to clarify for the Council that adoption of this ordinance includes the City's current Mobile Food Vending regulations in the application's Project Narrative, into the RD rezoning ordinance. If the current 'pilot program for Mobile Food Vending' goes away, the Food Truck will be allowed at the Surfer Bar because that is part of their RD zoning.

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Mr. Doherty stated that he would be abstaining from the discussion and vote, due to a conflict of interest.

Roll call vote: Doherty – Abstain  
Hartkemeyer – Nay  
Hoffman – Aye  
Taylor – Nay  
Vogelsang – Aye  
Wilson – Nay  
Mayor Latham - Nay

Motion to adopt failed with a vote of 4 Nays, 2 Ayes, and 1 Abstain.

The City Manager stated the findings of fact on the matter will be brought back at the next council meeting for approval.

**ADJOURNMENT**

There being no further business coming before the Council, Mayor Latham adjourned the meeting at 10:15 p.m.

Submitted by: Nancy J Pyatte  
ASSISTANT CITY CLERK

Approval:

/s/William C. Latham

William C. Latham, MAYOR

Date: October 6, 2014