City of Atlantic Beach

Final Agenda

Regular City Commission Meeting

Tuesday, May 27, 2025 - 6:00 p.m.
Commission Chamber
City Hall, 800 Seminole Road
Atlantic Beach, FL 32233

INVOCATION AND PLEDGE TO THE FLAG
CALL TO ORDER

Page(s)

1. APPROVAL OF MINUTES

1.A. Approve minutes of the Regular Commission Meeting held on April 28, 2025. 5 - 31
4-28-25 Regular City Commission Draft Minutes

* 1.B. Approve minutes of the Regular Commission Meeting held on May 12, 2025. 33 - 54
5-12-25 Regular City Commission Draft Minutes

2. COURTESY OF FLOOR TO VISITORS

PUBLIC COMMENT

3. CITY MANAGER REPORTS

* 3.A. Accept the 90-Day Calendar (May - July 2025) 55 - 58
90-Day Calendar (May - July 2025)

4. REPORTS AND/OR REQUESTS FROM CITY COMMISSIONERS

5. UNFINISHED BUSINESS FROM PREVIOUS MEETINGS

None.

6. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE CITY COMMISSION AND WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED BELOW. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY. SUPPORTING DOCUMENTATION AND STAFF RECOMMENDATIONS HAVE BEEN PREVIOUSLY SUBMITTED TO THE CITY COMMISSION ON THESE ITEMS.

6.A. Approve Resolution No. 25-40 59 - 64
A RESOLUTION OF THE CITY OF ATLANTIC BEACH AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE JACKSONVILLE SHERIFF'S OFFICE AND THE CITY OF ATLANTIC BEACH FOR A

BACKUP 911 CENTER; GIVING THE CITY MANAGER SIGNATORY AUTHORITY; IN ACCORDANCE WITH AND AS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.
Resolution No. 25-40

6.B. Approve Resolution No. 25-41 65 - 70
A RESOLUTION OF THE CITY OF ATLANTIC BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE AND EXECUTE ON BEHALF OF THE CITY OF ATLANTIC BEACH SPECIFIED UTILITIES RELATED DOCUMENTS BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ATLANTIC BEACH; AND PROVIDING AN EFFECTIVE DATE.
Resolution No. 25-41

7. COMMITTEE REPORTS

None.

8. ACTION ON RESOLUTIONS

None.

9. ACTION ON ORDINANCES

9.A. **ORDINANCE NO. 95-25-124, Public Hearing and Final Reading** 71 - 98
AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, COUNTY OF DUVAL, STATE OF FLORIDA, AMENDING CHAPTER 23, PROTECTION OF TREES AND THE NATURAL ENVIRONMENT, DIVISION 3. – PERMITS, SEC. 23-23.- PERMITS PROCEDURES, AND SEC. 23-25.- APPEALS; AMENDING DIVISION 6.-VIOLATIONS, ENFORCEMENT AND PENALTIES BY MOVING SEC. 23-52.-, ENVIRONMENTAL STEWARDSHIP COMMITTEE-INTENT, INTO A NEW DIVISION 7, ENTITLED ENVIRONMENTAL STEWARDSHIP COMMITTEE, AND RENUMBERING WITH NEW SECTIONS, OF THE CITY OF ATLANTIC BEACH CODE OF ORDINANCES; PROVIDING FOR ADOPTION OF SAID AMENDMENTS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
Ordinance No. 95-25-124

9.B. **ORDINANCE NO. 95-25-125, Public Hearing and Final Reading** 99 - 106
AN ORDINANCE TO AMEND CHAPTER 5 (BEACHES AND PARKS), ARTICLE III (PUBLIC PARKS), TO ADD A NEW SECTION 5-34 ESTABLISHING RULES AND REGULATIONS FOR CONDUCTING BUSINESS ACTIVITIES IN CITY-OWNED PARKS AND FACILITIES; PROVIDING DEFINITIONS; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CONFLICT, SEVERABILITY AND SCRIVENER'S ERRORS; PROVIDING FOR INCORPORATION AND CODIFICATION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.
Ordinance No. 95-25-125

9.C. **ORDINANCE NO. 5-25-71, Public Hearing and Final Reading** 107 - 124
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ATLANTIC BEACH, FLORIDA, REPEALING PORTIONS OF PREVIOUS RESOLUTIONS REGARDING THE CREATION OF THE ARTS, RECREATION, AND CULTURE COMMITTEE; CHANGING THE TITLE OF CHAPTER 5 TO BEACHES, PARKS AND RECREATION WITH THE PURPOSE OF ESTABLISHING PROVISIONS GOVERNING THE ARTS, RECREATION, AND CULTURE COMMITTEE INCLUDING: PURPOSE; MEMBERSHIP; TERMS OF MEMBERSHIP; FILLING OF VACANCIES; REMOVAL OF MEMBERS; DUTIES AND RESPONSIBILITIES; CITY STAFF ADMINISTRATIVE SUPPORT; PROCEDURES AND RULES; ORGANIZATION OF OFFICERS AND LIABILITY TO CITY; AND PROVIDING FOR AN EFFECTIVE DATE.
Ordinance No. 5-25-71

10. MISCELLANEOUS BUSINESS

* 10.A. Reappointments and Appointments to Environmental Stewardship Committee (ESC) 125 - 126
Reappointments & Appointments to ESC

10.B. **Public Hearing on Waiver Request (WAIV25-0002)**
Request for a waiver from Section 19-1 to allow a parking pad in city right-of-way at 170 Club Drive.

10.B1. City Attorney Procedural Reminders 127 - 133
Waiver Hearing Procedures

10.B2. Disclosure of Ex Parte Communications, if any

10.B3. Swearing in of all persons who will speak

10.B4. City Staff Overview 135 - 148
WAIV25-0002

10.B5. Applicant Presentation

10.B6. Public Comments

10.B7. Closing Comments/Rebuttal

10.B8. Commission Deliberation and Action

11. CITY ATTORNEY/CITY CLERK REPORTS AND/OR REQUESTS

12. CLOSING COMMENTS BY CITY COMMISSIONERS AND CITY MANAGER

13. ADJOURNMENT

This meeting will be live-streamed and videotaped. The video recording will be posted within

four business days on the City's website. To access live or recorded videos, visit www.coab.us/live.

If any person decides to appeal any decision made by the City Commission with respect to any matter considered at any meeting, such person may need a record of the proceedings, and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record shall include the testimony and evidence upon which the appeal is to be based.

Any person wishing to speak to the City Commission on any matter at this meeting should submit a request to the City Clerk prior to the meeting. For your convenience, forms for this purpose are available at the entrance to the Commission Chamber.

Every effort is made to indicate what action the City Commission is expected to take on each agenda item. However, the City Commission may act upon any agenda subject, regardless of how the matter is stated on the agenda.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk’s Office at (904) 247-5821 or at City Hall, 800 Seminole Road, Atlantic Beach, FL 32233, no later than 5:00 PM on the Thursday prior to the meeting.

MINUTES
Regular City Commission Meeting
Monday, April 28, 2025 - 6:00 PM
Commission Chamber
City Hall, 800 Seminole Road
Atlantic Beach, FL 32233

INVOCATION AND PLEDGE OF ALLEGIANCE
CALL TO ORDER:

Mayor Ford introduced Eli Brown, the Mayor for a Day. Following the Pledge of Allegiance, Mayor Brown opened the meeting and Mayor Ford called it to order at 6:00 PM. CC Bartle called the roll.

ATTENDANCE:

Present:	Curtis Ford, Mayor - Seat 1 (At Large) Bruce Bole, Commissioner - Seat 2 (District 1308) Candace Kelly, Commissioner - Seat 4 (District 1306) Jessica Ring, Commissioner - Seat 5 (District 1312)
Absent:	Thomas Grant, Commissioner - Seat 3 (District 1307)
Also Present:	William B. Killingsworth, City Manager (CM) Jason Gabriel, City Attorney (CA) Donna Bartle, City Clerk (CC) Kevin Hogencamp, Deputy City Manager (DCM) Ladayija Nichols, Deputy City Clerk (DCC) Victor Gualillo, Police Chief (PC) Amanda Askew, Neighborhoods Department Dir. (NDD)

1 APPROVAL OF MINUTES

1A. Approve minutes of the Commission Workshop - Presentation of Environmental Stewardship Committee's Priorities held on April 14, 2025.

The Commission approved the minutes as submitted.

1B. Approve minutes of the Regular Commission Meeting held on April 14, 2025.

The Commission approved the minutes as submitted.

REORDER THE AGENDA TO PLACE ITEM 9A BEFORE ITEM 8A.

A. Mayor Ford requested a change to the agenda order

MOTION: Swap (Place agenda item) 9A (before) for 8A.

Motion: Bruce Bole

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Second: Jessica Ring

Curtis Ford	***For***
Bruce Bole (Moved By)	***For***
Candace Kelly	***For***
Jessica Ring (Seconded By)	***For***

Motion passed 4 to 0.

2. COURTESY OF FLOOR TO VISITORS

2.A. Water Conservation Month proclamation

Mayor Ford presented a proclamation to Doug Conkey, who offered brief remarks on the importance of water conservation.

CDBG Proclamation

Mayor Ford gave brief remarks regarding the proclamation (which is attached hereto and made part of this official record as **Attachment A**) and CM Killingsworth shared examples of projects funded by CDBG in Atlantic Beach.

4-28-25 Attachment A

2.B. Police Department: Officer Dylan Dore Swearing-In

PC Guallilo administered the police officer oath to Officer Dore.

PUBLIC COMMENT

The following speakers provided their comments:

Carolyn Zisser referenced a letter previously sent to the Commission (which is attached hereto and made part of this official record as **Attachment B**).
Don Wolfson
Sarah Boren referenced a document (which is attached hereto and made part of this official record as **Attachment C**).
Dan Giovannuci

Mayor For the Day Brown read off a round of requests and the City Commisson agreed to a ***CONSENSUS*** on the following:

- Direct the City Manager to study and report back on whether additional dog waste stations are needed in city parks.
- Evaluate the need for more bike racks in parks, including cost estimates and potential plans for purchase and installation.
- Study the feasibility of adding crosswalk lights at the five-way intersection. Commissioner Bole noted interest in understanding how this may impact traffic flow and vehicle speed.

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Mayor Ford presented a certificate to Mayor Brown (which is attached hereto and made part of this official record as **Attachment D**).

4-28-25 Attachment B
4-28-25 Attachment C
4-28-25 Attachment D

3. CITY MANAGER REPORTS

3.A. Accept the 90-Day Calendar (April-June 2025)

CM Killingsworth reported as outlined in the agenda packet, with the addition of a Priority Setting Meeting scheduled for May 12, 2025, at 5:00 PM. He also clarified that the May 27, 2025 Workshop will begin at 5:30 PM.

There was a ***CONSENSUS*** to accept the 90-Day Calendar as amended, reflecting the addition of the May 12 Priority Setting Meeting and the May 27 Workshop.

Additional Update

CM Killingsworth provided an update on the Aquatic Gardens project, noting that the contract is expected to be signed soon. He also responded to questions from the Commission. Mayor Ford requested that the CM expedite the signing, if possible, as early as the following day.

4. REPORTS AND/OR REQUESTS FROM CITY COMMISSIONERS

Commissioner Bole

- Announced that the Beaches Town Center Agency is still seeking volunteers and sponsors for the upcoming Dancin' in the Streets event.

Commissioner Kelly

- Shared that the ESC Awards event was well done.
- Recognized the Boy Scouts for restoring their building.
- Noted that the Arts in the Park event was well attended.

Commissioner Ring

- Thanked staff for their efforts in supporting the numerous events held throughout April.
- Expressed appreciation to the City Manager and Public Works for their responsiveness and assistance with a fallen tree over the weekend.

Mayor Ford

- Complimented the ESC Awards
- Reported that the Easter egg hunt was well executed
- Requested that Commissioners come prepared to discuss the fire services contract between AB and the City of Jacksonville (COJ) at the next meeting. He expressed interest in considering a suspension of payments to COJ due to lack of response.

5. UNFINISHED BUSINESS FROM PREVIOUS MEETINGS

5.A. Discussion on ESC Ordinance and Proposed Amendments

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CM Killingsworth led a discussion on the proposed ordinance amendments as outlined in the agenda packet. The Commission reached consensus on the following revisions:

- Page 65: No changes were made to the section.
- Page 69: An amendment recommended by a citizen was approved, adding "and/or upon request of the Environmental Stewardship Committee" under the duties and responsibilities section.
- Page 72: The Appointments section will be revised to state: "Committee members shall be recommended by the Board Member Review Committee and shall be approved by the Commission."
- Page 73: A clarification was made regarding grandfathering of current members, allowing them to complete their existing terms under the rules in place at the time of their appointment. The Commission agreed to revisit term limits at the next meeting, but for now, the limit will remain at two four-year terms. A resolution will be introduced after the new ordinance is passed to define the specific terms of each member.
- Pages 74–75: Regarding the Tree Subcommittee, Commissioner Ring requested input from the ESC. The word "educating" will be added to the list of duties.
- Page 76: A standard scrivener's clause will be included to allow Municode and staff to renumber or reformat provisions as necessary.

The Commission also discussed the frequency of committee meetings. Commissioners Kelly and Bole expressed support for some flexibility, while also emphasizing the City Manager's role in coordinating with the committee. Commissioner Ring sought clarification regarding the need for additional meetings and the status of remaining subcommittees. It was confirmed that all subcommittees, with the exception of the Tree Subcommittee, will be eliminated. CA Gabriel provided guidance on Florida's Sunshine Law and noted that application of the rules would vary depending on specific circumstances.

5.B. Discussion on Business in Parks Ordinance and Proposed Amendments

CM Killingsworth led the discussion on the ordinance amendments as outlined in the agenda packet. The Commission agreed to the following revisions:

- All proposed amendments were approved as presented, with the addition of a revision to Section 3 of the policy, under Registration Application Requirements, Item 2. The word "out" will be removed so the sentence reads:
  "By filing an application, the applicant agrees to abide by all requirements, stipulations, and pay all fees associated with the potential issuance of a Parks and Recreation business activities registration."

Additional Discussion (Applicable to Both Ordinances):
Commissioner Ring requested that the CM meet with the Chair of ESC to further discuss the proposed ESC ordinance amendments. Mayor Ford asked Chair Boren if she would be available to meet. Chair Boren indicated she could make herself available but was not

DRAFT

comfortable speaking on behalf of the full committee. Mayor Ford noted that citizens continue to communicate with the Commission and encouraged anyone with additional input to reach out in the coming two weeks.

The Commission agreed to leave the Business in Parks ordinance as currently written with the agreed upon amendments and to bring back a final version of the ESC ordinance, with amendments, for consideration at the next meeting.

6. CONSENT AGENDA

6.A. Approve Resolution No. 25-37
A RESOLUTION OF THE CITY OF ATLANTIC BEACH, FLORIDA, AUTHORIZING FOUNDATION REPAIRS FOR THE PUMP ROOM AT WATER TREATMENT PLANT #2; AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACTS AND PURCHASE ORDERS IN ACCORDANCE WITH AND AS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

6.B. Approve Resolution No. 25-38
A RESOLUTION OF THE CITY OF ATLANTIC BEACH, FLORIDA, AUTHORIZING THE CITY TO CONTRACT WITH C & L LANDSCAPE, INC. TO PERFORM TIDE VIEWS PRESERVE NORTH KAYAK LAUNCH RENOVATION; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT AND PURCHASE ORDER IN ACCORDANCE WITH AND AS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE

6.C. Declare the listed properties as surplus and authorize disposal of each in the most beneficial way to the City.

MOTION: Approve consent agenda items 6A-6C as written.

Motion: Jessica Ring
Second: Candace Kelly

Curtis Ford	***For***
Bruce Bole	***For***
Candace Kelly (Seconded By)	***For***
Jessica Ring (Moved By)	***For***

Motion passed 4 to 0.

7. COMMITTEE REPORTS

7.A. Reappointments to the Board Member Review Committee (BMRC)

MOTION: Reappoint members as listed in the agenda staff report.

DRAFT

Motion: ***Jessica Ring***
Second: ***Bruce Bole***

Curtis Ford	***For***
Bruce Bole (Seconded By)	***For***
Candace Kelly	***For***
Jessica Ring (Moved By)	***For***

Motion passed 4 to 0.

9. ACTION ON ORDINANCES

9.A. ORDINANCE NO. 20-25-179, Public Hearing and Final Reading
AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF ATLANTIC BEACH, FLORIDA FOR FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025, AND PROVIDING AN EFFECTIVE DATE.

The public hearing was opened, there were no speakers and the public hearing was closed.

MOTION: Approve Ordinance No. 20-25-179.

Motion: ***Bruce Bole***
Second: ***Candace Kelly***

Curtis Ford	***For***
Bruce Bole (Moved By)	***For***
Candace Kelly (Seconded By)	***For***
Jessica Ring	***For***

Motion passed 4 to 0.

8.A. RESOLUTION NO. 25-24
A RESOLUTION OF THE CITY OF ATLANTIC BEACH, FLORIDA, AUTHORIZING THE CHANGE ORDER FOR THE PUBLIC UTILITIES WATER TREATMENT PLANT #2 PROJECT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACTS AND PURCHASE ORDERS IN ACCORDANCE WITH AND AS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Approve Resolution No. 25-24.

Motion: ***Jessica Ring***
Second: ***Bruce Bole***

DRAFT

Curtis Ford	***For***
Bruce Bole (Seconded By)	***For***
Candace Kelly	***For***
Jessica Ring (Moved By)	***For***

Motion passed 4 to 0.

8. ACTION ON RESOLUTIONS

8.B. RESOLUTION NO. 25-39
A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ATLANTIC BEACH, FLORIDA, SUPPORTING THE CITY OF ATLANTIC BEACH'S $1,080,000 FEDERAL COMMUNITY PROJECT FUNDING REQUEST FOR DUNE WALKOVER CONSTRUCTION; AND PROVIDING AN EFFECTIVE DATE.

MOTION: Approve Resolution No. 25-39.

Motion: Jessica Ring
Second: Bruce Bole

Curtis Ford	***For***
Bruce Bole (Seconded By)	***For***
Candace Kelly	***For***
Jessica Ring (Moved By)	***For***

Motion passed 4 to 0.

9.B. ORDINANCE NO. 25-25-46, Introduction and First Reading
AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF ATLANTIC BEACH AMENDING THE CODE OF ORDINANCES, CHAPTER 8 FLOOD HAZARD AREAS, TO SPECIFY ELEVATION OF MANUFACTURED HOMES AND TO CLARIFY PREVIOUSLY ADOPTED BUILDING ELEVATIONS; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

MOTION: Approve Ordinance No. 25-25-46 (on first reading).

Motion: Jessica Ring
Second: Candace Kelly

MOTION: Amend Ordinance No. 25-45-46 to have it at four and a half feet instead of two and a half

Motion: Jessica Ring

DRAFT

Motion failed.

MOTION: Approve (Ordinance No.) 25-25-46 (on first reading).

Motion: Bruce Bole
Second: Candace Kelly

Curtis Ford	***For***
Bruce Bole (Moved By)	***For***
Candace Kelly (Seconded By)	***For***
Jessica Ring	***For***

Motion passed 4 to 0.

The meeting recessed from 8:34 PM to 8:40 PM.

10. MISCELLANEOUS BUSINESS

10.A. Public Hearing - APP25-0003 - Appeal of a decision of the Community Development Board (CDB) for variance ZVAR25-0005 at 1889 Beach Avenue Request for a variance to add a new generator in the northern side yard of the property.

10.B. Disclosure of Ex Parte Communications, if any

The Commission indicated that there were no disclosures.

10.C. City Attorney Procedural Reminders

CA Gabriel explained the procedures as detailed in the agenda packet.

10.D. Swearing in of all persons who will speak

CC Bartle administered the oath to all speakers.

10.E. City Staff Overview

NDD Askew gave a presentation (which is attached hereto and made part of this Official Record as **Attachment E**) and answered questions from the Commission.

4-28-25 Attachment E

10.F. Applicant Presentation

Hannah Rullo, applicant representative, gave a presentation and circulated a photo, (which is attached hereto and made part of this Official Record as **Attachment F**). Ms. Rullo and Christopher Emans, the applicant, responded to questions from the Commission.

4-28-25 Attachment F

DRAFT

10.G. Public Comments

There were no speakers.

10.H. Closing Comments/Rebuttal

The applicant and their representative expressed appreciation to the Commission for hearing the appeal.

10.I. Commission Deliberation and Action

MOTION: Approve the request for a variance.

Motion: Jessica Ring
Second: Candace Kelly

Mayor Ford acknowledged that the decision was difficult, as the Commission generally avoids overriding the CDB. However, based on his familiarity with the property, he expressed support for Reason 4 as the basis for approval.

Commissioner Ring expressed support for approval, citing Reasons 3 and 4.

Commissioner Kelly noted since she could not identify a suitable alternative location for the generator, she supported the approval.

CC Bartle requested procedural clarification. CA Gabriel explained that it was not necessary to amend the motion to include the stated reasons for approval.

Curtis Ford	***For***
Bruce Bole	***For***
Candace Kelly (Seconded By)	***For***
Jessica Ring (Moved By)	***For***

Motion passed 4 to 0.

11. CITY ATTORNEY/CITY CLERK REPORTS AND/OR REQUESTS
None.

12. CLOSING COMMENTS BY CITY COMMISSIONERS AND CITY MANAGER

Commissioner Bole

- Noted that the Jaguars drafted a Navy safety.

Commissioner Ring

- Suggested that raising the height limit to 4.5 feet for flood zones is a consideration worth exploring.

Mayor Ford

DRAFT

- Agreed that a discussion on flood zone height limits is necessary, but emphasized that there are many factors to consider in the decision.

13. ADJOURNMENT

The meeting adjourned at 9:06 PM.

Attest:

_____ _____

Donna L. Bartle, City Clerk Curtis Ford, Mayor

Date Approved:_____

DRAFT

Attachment A to
4-28-25 Minutes

Proclamation of the City of Atlantic Beach

in Recognition of

2025 Community Development Week

WHEREAS, Community Development Week is a national campaign emphasizing the local and national impacts of the Federal Community Development Block Grant (CDBG) program, now in its 51st year; and

WHEREAS, the week provides an opportunity for local governments to highlight projects and services made possible through the CDBG program – initiatives that prioritize support for low- and moderate-income residents and address the prevention or elimination of blight; and

WHEREAS, since 1975, the City of Jacksonville has received more than $451 million in CDBG funding for neighborhood revitalization, economic development, and improving essential community services; and the City of Atlantic Beach has a long history of utilizing CDBG funding administered through the City of Jacksonville to improve its neighborhoods; and

WHEREAS, Community Development Week is a time to acknowledge the value and impact of CDBG-funded projects and programs, and to reaffirm our commitment to working with the City of Jacksonville to ensure that all our community's neighborhoods are strong and resilient.

NOW, THEREFORE, BE IT RESOLVED, that I, Curtis Ford, Mayor of the City of Atlantic Beach, hereby proclaim the week of April 21-25, 2025, as

2025 COMMUNITY DEVELOPMENT WEEK

in Atlantic Beach and urge all residents to join me in recognizing the important contributions made locally through the Community Development Block Grant program and in supporting efforts that strengthen and uplift our community.



IN WITNESS WHEREOF, I have set my hand and caused the Official Seal of the City of Atlantic Beach to be affixed this 21st day of April 2025.

Curtis Ford, Mayor

Attachment B to
4-28-25 Minutes

From: Carolyn Zisser <CZisser@zisserfrazierfamilylaw.com>
Sent: Monday, April 28, 2025 11:49 AM
To: cford@coab.us <cford@coab.us>; bbole@coab.us <bbole@coab.us>; tgrant@coab.us <tgrant@coab.us>; ckelly@coab.us <ckelly@coab.us>; jring@coab.us <jring@coab.us>
Cc: dbartle@coab.us <dbartle@coab.us>; czisser@zisserfamilylaw.cm <czisser@zisserfamilylaw.cm>
Subject: Ordinance No. 95-25-124 - For Discussion at 4/28/2025 Atlantic Beach City Commission meeting

Good morning Mayor Ford, and Commissioners Bole, Grant, Kelly and Ring,

Thank you so much for the progress made in the necessary revisions and amendments to Ordinance 124 pertaining to the Environmental Stewardship Committee. I have reviewed the proposed newest version of ESC amended ordinance 124 , as well as the other pertinent portions of the agenda for this evening's city commission meeting.

There are two (2) sections of Ordinance 124 which still need further revision / correction:

1. **Section 23-56 (page 69 of 219) - Duties and Responsibilities** still limits ESC work to requests by the City Commission or City Manager. The language should be revised to recognize the ESC's ability to suggest projects as well, subject to the approval of the City Commission. I suggest and propose the following further amendment and provision:

Attachment B to
4-28-25 Minutes

"Upon request by the City Commission or the City Manager, and 'and/or upon request of the Environmental Stewardship Commitee.' the ESC shall study and provide written recommendations....."

2. **Section 23-58 (c-3) Appointments (page 72 of 219)** - A scrivener error should be corrected by adding the word "approved" as set forth below:

   "Committee members shall be recommended by the Board Member Review Committee and shall be 'approved' by the Commission."

   I agree with and commend Section 23-57 regarding the city staff administrative support of the ESC.

   Thank you very much for your support and assistance . Please let me know how I can be of further service.

   Sincerely,
   Carolyn Zisser
   Atlantic Beach, Florida

Attachment C to
4-28-25 Minutes

City of Atlantic Beach Vision Statement

In Atlantic Beach, we have a strong sense of belonging and safety. Our citizens and government care deeply about community character, and understand that unified support is required to preserve it. We are graced with the functional beauty of our beach, our marsh, and our tree canopy. Our shady streets and multi-use paths connect our welcoming neighborhoods and vibrant local businesses. Our city supports our diverse, multigenerational, socially linked community with green spaces, active lifestyles, parks, and programming.

Everything in grey is captured in the Strategic Plan Themes presented to Commission in February 2024. (City Manager's ppt) Items in yellow are NOT directly represented in Strategic Plan Themes.

With AB's natural beauty as a major component of its community character, health, prosperity, and well being as well as the fact that "protection and preservation of beaches, marshes, maritime tree canopy, and property through environmental stewardship" in City Charter and 2045 Comprehensive Plan, protection and preservation of natural assets as a steadfast need and long term outcome should be added as a specific Strategic Plan Theme. This addition will help in stated desire for priorities alignment.

COAB Strategic Plan Themes

Attachment C to
4-28-25 Minutes

Community character needs a clear definition to know what we are preserving

Create a strong sense of belonging and safety

Preserve community character

Protect and preserve our beaches, marshes, maritime tree canopy, and property through environmental stewardship

New theme

Connect our neighborhoods and businesses

Promote a socially linked community through green spaces, active lifestyles, parks, and programming

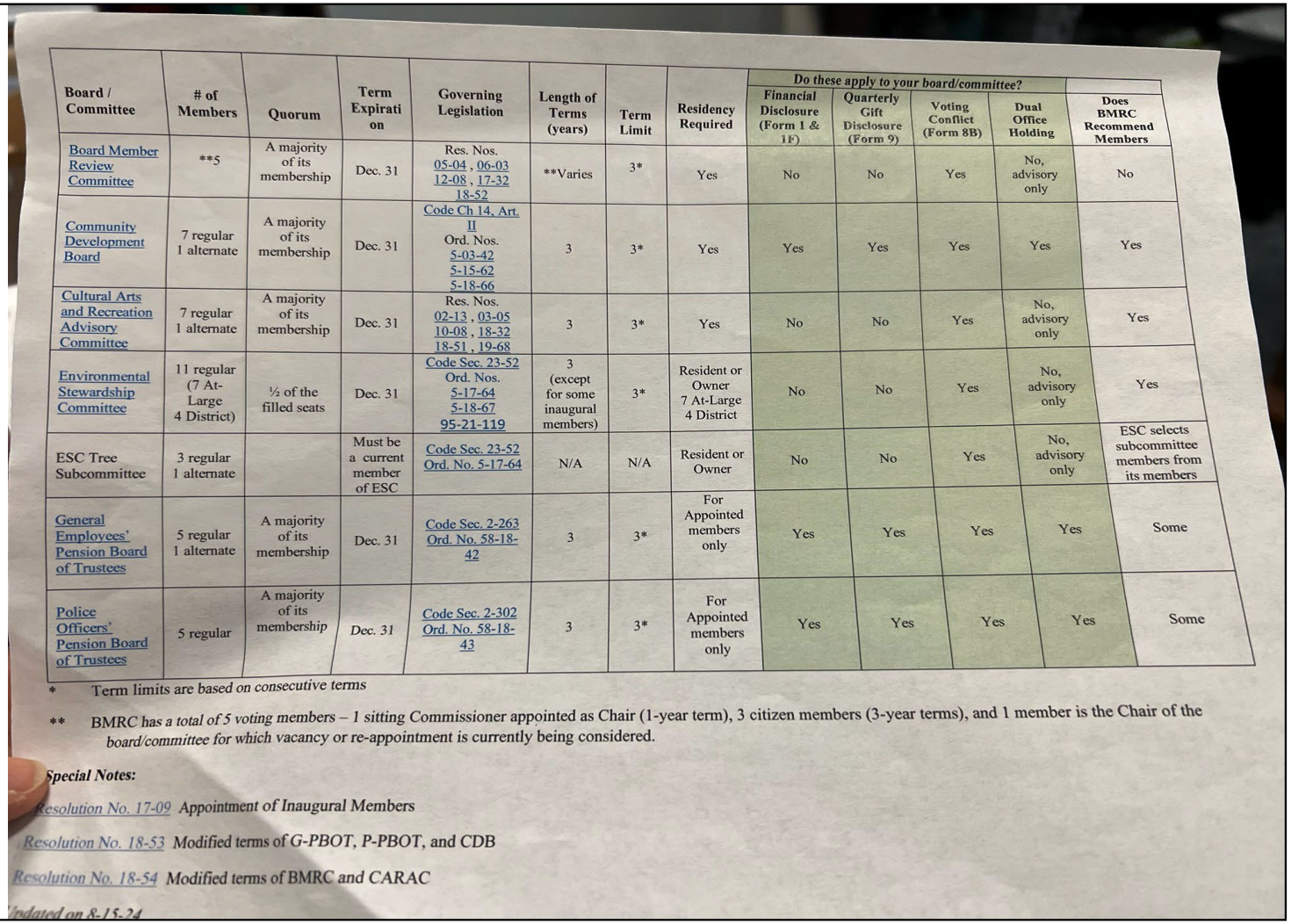
~~*Maintain a strong financial condition suitable for implementing the City's vision*~~

Maintain organizational excellence suitable for implementing the City vision including a strong financial condition, outstanding internal and external communications, and first-rate customer service.

In addition to strong financial condition, added communications and customer service often mentioned as desired outcomes by several Commissioners

Attachment C to
4-28-25 Minutes

City Clerk's Board & Committee Table



Board / Committee	# of Members	Quorum	Term Expiration	Governing Legislation	Length of Terms (years)	Term Limit	Residency Required	Do these apply to your board/committee? Financial Disclosure (Form 1 & 1F)	Quarterly Gift Disclosure (Form 9)	Voting Conflict (Form 8B)	Dual Office Holding	Does BMRC Recommend Members
Board Member Review Committee	**5	A majority of its membership	Dec. 31	Res. Nos. 05-04 , 06-03 12-08 , 17-32 18-52	**Varies	3*	Yes	No	No	Yes	No, advisory only	No
Community Development Board	7 regular 1 alternate	A majority of its membership	Dec. 31	Code Ch 14, Art. II Ord. Nos. 5-03-42 5-15-62 5-18-66	3	3*	Yes	Yes	Yes	Yes	Yes	Yes
Cultural Arts and Recreation Advisory Committee	7 regular 1 alternate	A majority of its membership	Dec. 31	Res. Nos. 02-13 , 03-05 10-08 , 18-32 18-51 , 19-68	3	3*	Yes	No	No	Yes	No, advisory only	Yes
Environmental Stewardship Committee	11 regular (7 At-Large 4 District)	½ of the filled seats	Dec. 31	Code Sec. 23-52 Ord. Nos. 5-17-64 5-18-67 95-21-119	3 (except for some inaugural members)	3*	Resident or Owner 7 At-Large 4 District	No	No	Yes	No, advisory only	Yes
ESC Tree Subcommittee	3 regular 1 alternate		Must be a current member of ESC	Code Sec. 23-52 Ord. No. 5-17-64	N/A	N/A	Resident or Owner	No	No	Yes	No, advisory only	ESC selects subcommittee members from its members
General Employees' Pension Board of Trustees	5 regular 1 alternate	A majority of its membership	Dec. 31	Code Sec. 2-263 Ord. No. 58-18-42	3	3*	For Appointed members only	Yes	Yes	Yes	Yes	Some
Police Officers' Pension Board of Trustees	5 regular	A majority of its membership	Dec. 31	Code Sec. 2-302 Ord. No. 58-18-43	3	3*	For Appointed members only	Yes	Yes	Yes	Yes	Some

* Term limits are based on consecutive terms

** BMRC has a total of 5 voting members – 1 sitting Commissioner appointed as Chair (1-year term), 3 citizen members (3-year terms), and 1 member is the Chair of the board/committee for which vacancy or re-appointment is currently being considered.

Special Notes:

Resolution No. 17-09 Appointment of Inaugural Members

Resolution No. 18-53 Modified terms of G-PBOT, P-PBOT, and CDB

Resolution No. 18-54 Modified terms of BMRC and CARAC

Updated on 8-15-24

CERTIFICATE

Of Recognition

This certificate is presented to

Eli Brown

Mayor for a Day

Representing
Atlantic Beach Elementary School

APRIL 25, 2025

Curtis Ford
MAYOR
CITY OF ATLANTIC BEACH

Attachment E to
4-28-25 Minutes

APP25-0002 (ZVAR25-0005

1889 Beach Avenue

Request to appeal the order of denial of ZVAR25-0005 for a variance to 24-151(k)(1) to exceed the minimum 5-foot side yard setback for a generator at 1889 Beach Avenue.

Attachment E to
4-28-25 Minutes

Background

- Community Development Board (CDB) denied the applicant's request for *variance to 24-151(k)(1) to exceed the minimum 5-foot side yard setback for a generator*

- Public hearing was held by the CDB on Feb. 18 2025

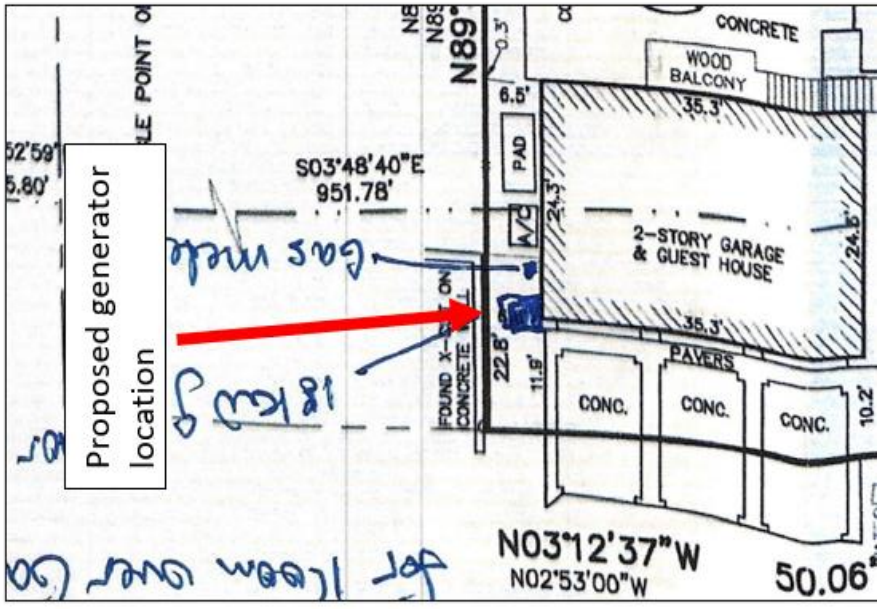
- The CDB made a motion to deny the variance, the motion to deny passed with a vote of 4-3. The CDB found that the request did not meet any grounds from Section 24-65(c) of the Land Development Regulations establishing grounds for approval of a variance.

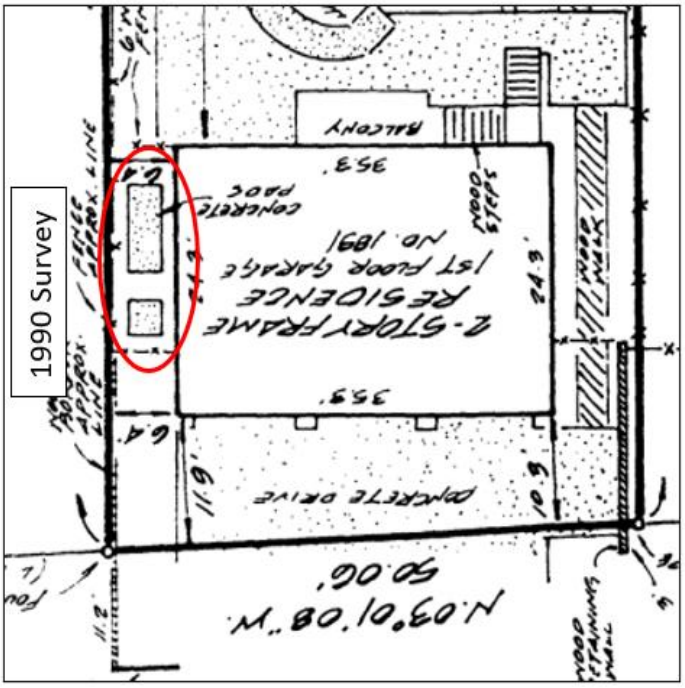
Site Context and Details

- Zoned Residential, General, Two-Family (RG)
- Located on the east side of Beach Ave
- Is an oceanfront property, with a front yard that faces the ocean



Page 2 of 3





Attachment E to
4-28-25 Minutes

Attachment E to
4-28-25 Minutes

Grounds for Decision

APPOVAL- existence of one or more of the following Section 24-65 (c)

1. Exceptional topographic conditions of or near the property.
2. Surrounding conditions or circumstances impacting the property disparately from nearby properties.
3. Exceptional circumstances preventing the reasonable use of the property as compared to other properties in the area.
4. Onerous effect of regulations enacted after platting or after development of the property or after construction of improvement upon the property.
5. Irregular shape of the property warranting special consideration.
6. Substandard size of a lot of record warranting a variance in order to provide for the reasonable use of the property.

DENIAL-

The Commission may consider a denial upon finding that none of the requirements in 24-65 (c) exist.

Review and vote on APP25-001 (an approval would approve ZVAR25-0005 and a denial would not approve ZVAR25-0005)

**Attachment F to
4-28-25 Minutes**



MINUTES
Regular City Commission Meeting
Monday, May 12, 2025 - 6:00 PM
Commission Chamber
City Hall, 800 Seminole Road
Atlantic Beach, FL 32233

INVOCATION AND PLEDGE OF ALLEGIANCE
CALL TO ORDER:

Following the Pledge of Allegiance, Mayor Ford called the meeting to order at 6:17 PM. CC Bartle called the roll.

ATTENDANCE:

Present:
Curtis Ford, Mayor - Seat 1 (At Large)
Bruce Bole, Commissioner - Seat 2 (District 1308)
Candace Kelly, Commissioner - Seat 4 (District 1306)
Jessica Ring, Commissioner - Seat 5 (District 1312)
Thomas Grant, Commissioner - Seat 3 (District 1307)

Also Present:
William B. Killingsworth, City Manager (CM)
Jason Gabriel, City Attorney (CA)
Donna Bartle, City Clerk (CC)
Kevin Hogencamp, Deputy City Manager (DCM)
Michelle Weippert, Records Management Specialist (RMS)

1 APPROVAL OF MINUTES

1A. Approve minutes of the Town Hall Meeting held on April 5, 2025.

The Commission approved the minutes as submitted.

2 COURTESY OF FLOOR TO VISITORS

2A. PUBLIC COMMENT

The following speakers provided their comments:
Christine Michel
Carolyn Zisser referenced a letter sent to the Commission (which is attached hereto and made part of this official record as **Attachment A**).
Sarah Boren

5-12-25 Attachment A

2B. Public Works Week 2025 Proclamation

DRAFT

Mayor Ford acknowledged the importance of Public Works Week and read the proclamation.

3 CITY MANAGER REPORTS

3A. Accept the 90-Day Calendar (May - July 2025)

There was a ***CONSENSUS*** to accept the 90-Day Calendar with the addition of June 16, 2025 Workshop to present the Draft Vulnerability Assessment Adaptation Plan.

4 REPORTS AND/OR REQUESTS FROM CITY COMMISSIONERS

Commissioner Bole

- Announced Dancin' in the Streets, May 17, 2025.
- Spoke about a more competitive salary for civil servants.

There was a ***CONSENSUS*** to have the CM coordinate with Human Resources and return with a preliminary report on competitive salaries within two weeks, followed by a final report in four weeks.

Commissioner Grant

- Commended the new Thor Guard for lightening detection.

Commissioner Kelly

- Reminded everyone about resiliency.

Commissioner Ring

- Spoke about the Beaches Watch meeting.
- Showed support for Triple Threat Athletes and their proposed ordinance to allow gym and health clubs to operate in the Light Industrial and Warehouse (LIW) zoning.
- Commended the AB Police Department for their prompt and effective response in assisting with the recent coyote sighting and reminded everyone the rabies alert is still in effect for 60 days.

Mayor Ford

- Praised AB for the rapid implementation of the coyote management plan already in place.
- Spoke about researching other cities and having a use-by-exception in the LIW.
- Announced the meeting of the Board Member Review Committee (BMRC) on May 15, 2025.

There was a ***CONSENSUS*** to have the CM collaborate with the Community Development Board (CDB) to obtain their recommendation regarding exceptional use within the LIW district.

5 UNFINISHED BUSINESS FROM PREVIOUS MEETINGS

5A. Environmental Stewardship Committee (ESC) Ordinance & Proposed Amendments

CM Killingsworth presented a handout to the Commission (which is attached hereto and made part of this Official Record as **Attachment B**) and answered questions from the Commission.

DRAFT

There was a ***CONSENSUS*** to change to the policy back to three, three-year terms with a one-year break.

5-12-25 Attachment B

5B. Fire Services

Mayor Ford reported that he is reaching out to Mayor Donna Deegan to gather her feedback, input, and possibly support on one or more things with the Interlocal Agreement (ILA). As part of this initiative, he aims to incorporate the fire services into the main ILA.

Commissioner Ring inquired about the timeline and specific components of the ILA. CM Killingworth responded by outlining the process and explaining how it progresses.

6 CONSENT AGENDA

6A. Award continuing engineering services contracts to the recommended firms listed in the staff report.

This item was pulled for discussion.

CM Killingsworth answered questions from the Commission.

MOTION: Approve Item 6A outside of the consent agenda.

Motion: Bruce Bole
Second: Candace Kelly

Curtis Ford	***For***
Bruce Bole (Moved By)	***For***
Candace Kelly (Seconded By)	***For***
Jessica Ring	***For***
Thomas Grant	***For***

Motion passed 5 to 0.

6B. Award continuing surveying services contracts to the four top ranked firms listed in the staff report.

Mayor Ford asked if anyone wanted to pull this item from the consent agenda. Hearing none, he asked all in favor to signify by saying "aye." All opposed, say "nay."

Curtis Ford	***For***
Bruce Bole	***For***

DRAFT

Candace Kelly	***For***
Jessica Ring	***For***
Thomas Grant	***For***

Passed 5 to 0.

7 COMMITTEE REPORTS
None.

8 ACTION ON RESOLUTIONSNONE.
None.

9 ACTION ON ORDINANCES

9A. ORDINANCE NO. 25-25-46, Public Hearing and Final Reading
AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF ATLANTIC BEACH AMENDING THE CODE OF ORDINANCES, CHAPTER 8 FLOOD HAZARD AREAS, TO SPECIFY ELEVATION OF MANUFACTURED HOMES AND TO CLARIFY PREVIOUSLY ADOPTED BUILDING ELEVATIONS; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The public hearing was opened, there were no speakers, and the public hearing was closed.

MOTION: Approve Ordinance (No.) 25-25-46.

Motion: Bruce Bole
Second: Candace Kelly

Curtis Ford	***For***
Bruce Bole (Moved By)	***For***
Candace Kelly (Seconded By)	***For***
Jessica Ring	***For***
Thomas Grant	***For***

Motion passed 5 to 0.

10 MISCELLANEOUS BUSINESS
None.

11 CITY ATTORNEY/CITY CLERK REPORTS AND/OR REQUESTS
CA Gabriel

- Reminded the Commissioners about the ethics training on June 9, 2025, from 9:00 AM to 1:00 PM at Lynwood Roberts Room, Jacksonville City Hall.

CC Bartle

DRAFT

- Announced she is looking forward to seeing everyone at Dancin' in the Streets on May 17, 2025.

12 CLOSING COMMENTS BY CITY COMMISSIONERS AND CITY MANAGER

Commissioner Kelly

- Announced the Memorial Day Celebration, May 26, 2025, Beaches Veterans Memorial Park at 9:00 AM.

13 ADJOURNMENT

The meeting adjourned at 7:38 PM.

Attest:

_____ _____

Donna L. Bartle, City Clerk Curtis Ford, Mayor

Date Approved: _____

DRAFT

Attachment A to
5-12-25 Minutes

5/12/25 - Handout - C. Zisser

From: Carolyn Zisser <CZisser@zisserfrazierfamilylaw.com>
Sent: Monday, April 28, 2025 11:49 AM
To: cford@coab.us <cford@coab.us>; bbole@coab.us <bbole@coab.us>; tgrant@coab.us <tgrant@coab.us>; ckelly@coab.us <ckelly@coab.us>; jring@coab.us <jring@coab.us>
Cc: dbartle@coab.us <dbartle@coab.us>; czisser@zisserfamilylaw.cm <czisser@zisserfamilylaw.cm>
Subject: Ordinance No. 95-25-124 - For Discussion at 4/28/2025 Atlantic Beach City Commission meeting

Good morning Mayor Ford, and Commissioners Bole, Grant, Kelly and Ring,

Thank you so much for the progress made in the necessary revisions and amendments to Ordinance 124 pertaining to the Environmental Stewardship Committee. I have reviewed the proposed newest version of ESC amended ordinance 124 , as well as the other pertinent portions of the agenda for this evening's city commission meeting.

There are two (2) sections of Ordinance 124 which still need further revision / correction:

1. **Section 23-56 (page 69 of 219) - Duties and Responsibilities** still limits ESC work to requests by the City Commission or City Manager. The language should be revised to recognize the ESC's ability to suggest projects as well, subject to the approval of the City Commission. I suggest and propose the following further amendment and provision:

"**Upon request by the City Commission or the City Manager, and 'and/or upon request of the Environmental Stewardship Commitee.' the ESC shall study and provide written recommendations.....**"

2. **Section 23-58 (c-3) Appointments (page 72 of 219)** - A scrivener error should be corrected by adding the word "approved" as set forth below:

   "Committee members shall be recommended by the Board Member Review Committee and shall be 'approved' by the Commission."

   I agree with and commend Section 23-57 regarding the city staff administrative support of the ESC.

   Thank you very much for your support and assistance . Please let me know how I can be of further service.

   Sincerely,
   Carolyn Zisser
   Atlantic Beach, Florida

Attacment B to
5-12-25 Minutes

ORDINANCE NO. 95-25-124

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, COUNTY OF DUVAL, STATE OF FLORIDA, AMENDING CHAPTER 23, PROTECTION OF TREES AND THE NATURAL ENVIRONMENT, DIVISION 3. – PERMITS, SEC. 23-23.- PERMITS PROCEDURES, AND SEC. 23-25.- APPEALS; AMENDING DIVISION 6.-VIOLATIONS, ENFORCEMENT AND PENALTIES BY MOVING SEC. 23-52.-, ENVIRONMENTAL STEWARDSHIP COMMITTEE-INTENT, INTO A NEW DIVISION 7, ENTITLED ENVIRONMENTAL STEWARDSHIP COMMITTEE, AND RENUMBERING WITH NEW SECTIONS, OF THE CITY OF ATLANTIC BEACH CODE OF ORDINANCES; PROVIDING FOR ADOPTION OF SAID AMENDMENTS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sec. 23-52 of the Code of Ordinances for the City of Atlantic Beach provides details for the Environmental Stewardship Committee (ESC) and the city recognizes this topic should be its own division (now Division 7) and renumber the subsections within Chapter 23 to help better organize the codes; and

WHEREAS, the City desires to standardize city boards and committees, to the greatest extent possible; and

WHEREAS, by standardizing the ESC it is necessary to remove the sections related to subcommittees (amendments to Sec. 23-23 and 23-25); and

WHEREAS, the City desires to standardize city boards and committees, to the greatest extent possible; and

WHEREAS, establishing consistent, uniform boards improves efficiency and productivity.

NOW, THEREFORE, BE ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:

SECTION 1. Purpose and Intent. The purpose and intent of this Ordinance are to standardize city boards and committees to improve efficiency and productivity.

SECTION 2. Purpose and Intent. Amend Sec., 23-23 Permit procedure, Sec. 23-25 Appeals and Variances and Sec. 23-52, Environmental Stewardship Committee – Intent, of the Code of Ordinances is hereby amended as follows:

Sec. 23-23. Permits procedures.

(a) *Application required.* The applicant for a tree or vegetation removal permit shall submit the established fee along with the application form as created and provided by the city to the designated administrative department. The application shall contain all required narrative and graphical information necessary to determine compliance with this chapter. If the applicant is not the property owner, proper owner's authorization shall also be required.

(1) *Existing lots or parcels.* When a tree or vegetation removal permit is required, applications for tree or vegetation removal shall be made prior to removal and prior to any site disturbance or grading on a lot or parcel.

(2) *New or re-platted subdivisions.* Applications for tree or vegetation removal that will be part of a new subdivision plat or a re-plat shall be submitted along with the preliminary subdivision plat application so that due consideration may be given to the protection of regulated trees and regulated vegetation during the site planning and subdivision process. Trees to be protected shall be noted on the final subdivision plat, and subsequent applications for individual lots or parcels shall be consistent with the approved final subdivision plat, or application for a new tree removal permit shall be required.

(3) *After-the-fact permits.* Any person(s) engaging in the removal of regulated tree(s) or regulated vegetation prior to obtaining a permit will be required to apply for and obtain an after-the-fact permit, and meet mitigation requirements as assessed.

(b) *Sufficiency review of applications.*

(1) Upon receipt of the application and appropriate fee, the administrator shall conduct a preliminary review within five (5) business days to determine that all required information has been submitted and is sufficient for review purposes. The applicant shall be notified of any deficient items. Upon submittal of deficient or missing information, the administrator shall again review the application. If the requested information has not been provided or is insufficient, the applicant shall be notified in writing that no further review will be performed until the requested information is provided and found to be sufficient.

(2) The administrator shall upload all tree permit applications to the city's website and send to Environmental Stewardship Committee (ESC) within three (3) days of being deemed sufficient in accordance with this section.

~~(3) The ESC tree subcommittee may review any permit application for compliance with this chapter and may provide recommendations to the administrator regarding the permit application.~~

(3) The ESC ~~tree subcommittee~~ may review any permit application for compliance with this chapter and may provide recommendations to the administrator regarding the permit application.

~~(4) One (1) member of the ESC tree subcommittee may accompany the administrator on the initial site inspection as an observer. The subcommittee member must make the request to attend the initial site inspection as an observer within three (3) business days of the permit being uploaded to the city's website. The subcommittee member shall not~~

~~interact with the property owner or the property owner's agents during the site inspection and shall stay in the vicinity of the administrator during the inspection. The subcommittee member shall be provided twenty-four (24) hours' notice prior to the time of the site inspection. If multiple requests are made by subcommittee members to accompany the administrator on the initial site inspection, the administrator shall select the first subcommittee member who submits a request in writing.~~

(~~5~~ 3) The administrator may refer the application to other city department(s), the ESC ~~tree subcommittee,~~ or a consultant during preliminary review. The applicant shall be notified if extended review by other departments and/or professionals is required.

(~~4~~6) An application shall be deemed abandoned thirty (30) days after the date the administrator notifies the applicant of any deficiencies contained in the application if the applicant has failed to submit all of the deficient or missing information. The administrator may, upon written request and justification by the applicant, grant not more than one (1), thirty-day extension. At the expiration of the extension, the application shall automatically become null and void. In such cases, the application review fees will not be refunded.

(c) *Review by other agencies.* At the discretion of the administrator, relative to the environmental sensitivity of the site, appropriate written sign-offs, permits or consents from the agencies listed below which have jurisdiction may be required prior to regulated tree or regulated vegetation removal from sites contiguous to or containing environmentally sensitive areas or lands. The applicant shall obtain the written approvals, permits, or consents and submit the agencies' written verification to the city:

(1) Army Corp of Engineers (ACOE);

(2) Saint Johns River Water Management District (SJRWMD);

(3) Florida Department of Environmental Protection (FDEP);

(4) Any other applicable governmental agencies extending jurisdictional controls over the site.

(d) *Compliance review and approval of applications.* When the administrator's application review process and inspections have been completed, the administrator shall distribute ~~a notice of intent to issue a~~ the approved tree permit to the applicant and all members of the ESC ~~tree subcommittee, including the alternate member~~ and upload the draft permit to the city's website. ~~The permit shall be effective five (5) business days after the notice of intent is distributed, unless a timely appeal is filed.~~

(e) *Expiration of permits.* Work pursuant to the permit shall commence within six (6) months of the date of issuance, or the permit shall expire. If the tree removal permit is in connection with a development permit, compliance with the tree removal permit shall be determined before the applicable development permit's final inspection, or issuance of certificate of completion or certificate of occupancy, as applicable.

(f) *Content of permits.* The permit shall be issued in such form as may be prescribed by the administrator and shall set forth in detail the conditions upon which the permit is granted and specifically identify which land areas shall be cleared and/or which trees shall be permitted to be removed. One (1) permit may cover several trees or groups of trees as long

as the trees or groups of trees can be clearly identified thereon; provided, however, no permit may be issued for more than one (1) lot, parcel or area of land unless such lots, parcels or areas of land shall be contiguous to one another and considered as one (1) parcel for the purpose of development.

(g) *Posting of permits.* The permit shall be posted in a conspicuous and visible place at the front of the property by the applicant prior to any tree removal. The permit shall remain posted on the property during all applicable tree and vegetation removal activity and until final inspection by the city. It is the responsibility of the applicant to maintain the permit in a clearly visible manner at all times.

(h) *Amendment of permits.* Requests for minor changes to approved plans shall be made as an amendment to the applicable permit. Additional information submitted with a request for permit amendment shall be adequate to fully document the nature of the proposed change and the effect it will have on all aspects regulated by this chapter. All plans, reports, calculations, and other information affected by the proposed amendment shall be updated so as to maintain an accurate record of the development activity. Review time for any changes to plans approved for a permitted site shall be the same as specified for the review of a new application. An amendment to a permit shall not automatically extend the expiration date.

Substantial changes, including significant increases in the number of trees to be removed or land to be cleared, increases in impervious surface area, changes to intended land use, modification of stormwater management systems, or any other change that constitutes a major modification to a site plan or subdivision, new phases of development or other additions, shall not be treated as amendments, but shall require a new permit application and fee.

(i) *Revocation of permits.*

(1) *By administrator.* The administrator may revoke any permit issued pursuant to this chapter, following notice in writing to the permittee and after providing the permittee opportunity to respond to the notice, in either of the following circumstances:

a. The administrator finds that the permittee has continued with any development activity on a site for which a permit was issued, while the site is under a stop work order which has not been reversed, canceled or suspended pursuant to this chapter, except for specified remedial work required to bring the violation into compliance with the approved permit; or

b. If the administrator finds that the approval of the permit was based on incorrect information furnished by the applicant for the permit. Based upon such finding, however, the administrator may make reasonably necessary accommodations to the conditions of a permit in lieu of revoking it.

(2) *Discontinuance of work.* Revocation of a permit may also result in a stop work order in accordance with section 23-48.

Sec. 23-25. Appeals and variances.

(a) *Appeals.* Appeals of final decisions by the administrator made under the authority of this chapter may be made by the applicant, any member of the ESC tree subcommittee ~~tree subcommittee~~, or an adversely affected party in accordance with the following provisions. Any appeal filed pursuant to this section shall stay all work on the premises and all

proceedings in furtherance of the action appealed, unless the appropriate administrative official certifies that a stay would cause imminent peril to life or property.

(1) Appeals of a final action or decision by the administrator shall be filed in writing with the administrator within five (5) business days after rendition of the decision or final order being appealed. Upon receipt of a timely filed appeal, the administrator shall place the matter on the agenda of the next ESC tree subcommittee ~~tree subcommittee~~ meeting or request a special meeting within a reasonable period of time with proper public notice, as well as due notice to interested parties. ~~The~~ ESC tree subcommittee ~~tree subcommittee~~ shall review the application for compliance with the requirements of C~~c~~hapter 23 and shall, by majority vote, recommend that the administrator either approve, approve with conditions, or deny the appeal. If the appellant is a member of the ESC tree subcommittee ~~tree subcommittee~~, that member shall not participate in the decision. The administrator, upon considering the tree subcommittee recommendation, shall issue or deny the permit within five (5) business days after the ESC tree subcommittee ~~tree subcommittee~~ meeting.

(b) *Variances.* The community development board is authorized to grant relief from the strict application of this chapter where, due to an exceptional situation, adherence to the regulations of this chapter results in "exceptional practical difficulties or undue hardship" upon a property owner. The community development board must determine that granting the request will not cause substantial detriment to the public good and will not be inconsistent with the general intent and purpose of this chapter. The applicant has the burden of proof. Any request for a variance pursuant to this section shall stay all work on the premises and all proceedings in furtherance of the action appealed, unless the appropriate administrative official certifies that a stay would cause imminent peril to life or property.

(1) A request for a variance shall be submitted on an application form as provided by the city and shall contain each of the following:

a. A legal description of the property for which the variance is requested.

b. A reasonable statement describing the reasons and justification for the variance.

c. A survey or site plan indicating existing, removed, and/or proposed trees; existing and proposed construction, as well as other significant features existing on the lot.

d. The signature of the owner, or the signature of the owner's authorized agent. Written and notarized authorization by the owner for the agent to act on behalf of the property owner shall be provided with the application.

(2) Upon receipt of a complete and proper application, the administrator shall within a reasonable period of time schedule the application for a public hearing before the community development board following the required public notice as set forth in section 24-51. At the public hearing, the applicant may appear in person and/or may be represented by an authorized agent.

a. Applications for a variance shall be considered on a case-by-case basis and shall be approved only upon findings of fact that the application is consistent with the definition of a variance and consistent with the provisions of this section.

b. Variances shall not be granted solely for the personal comfort or convenience, for relief from financial circumstances, or for relief from situations created by the property owner.

(3) Grounds for approval of a variance. The community development board shall find that one (1) or more of the following factors exist to support an application for a variance:

a. Existing topographic elevation changes that would result in the likelihood that preserved or planted materials would not survive.

b. Existing electrical lines or utility easements that prevent or restrict the preservation or planting of landscape materials.

c. Barrier island or dune ecosystem planting conditions that cannot support certain hardwood species.

d. Designs and plans that, to the greatest extent feasible, avoid encroachment upon preservation areas and/or trees.

In the event the community development board finds that none of the above exist, then the community development board shall deny the variance.

(4) Approval of a variance. To approve an application for a variance, the community development board shall find that the request is in accordance with the preceding terms and provisions of this section and that the granting of the variance will be in harmony with the purpose and intent of this chapter. In granting a variance, the community development board may prescribe appropriate conditions in conformance with and to maintain consistency with city Code. Violation of such conditions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter, and shall be subject to established code enforcement procedures.

(5) Approval of lesser variances. The community development board shall have the authority to approve a lesser variance than requested if a lesser variance shall be more appropriately in accord with the terms and provisions of this section and with the purpose and intent of this chapter.

(6) Nearby nonconformity. Nonconforming characteristics of nearby lands, structures or buildings shall not be grounds for approval of a variance.

(7) Waiting period for re-submittal. If an application for a variance is denied by the community development board, no further action on another application for substantially the same request on the same property shall be accepted for three hundred sixty-five (365) days from the date of denial.

DIVISION 7. – ENVIRONMENTAL STEWARDSHIP COMMITTEE

Sec. 23-525-. ~~Environmental stewardship committee—Intent~~ Purpose.

The maritime forest in Atlantic Beach is core to the city's identity as a small coastal village. The tree canopy creates beauty, provides a home for wildlife, functions as an element of the water management system and enhances property values. It is in the best interest for this committee to be the stewards of the tree canopy through advocacy, assessment, maintenance, planting and preservation of this natural resource. The city parks provide open spaces for

recreation, exercise, wildlife habitat, relaxation and encounters with the natural world. This committee intends to support the community to provide a variety of park spaces that are well maintained, accessible and secure. This committee shall take the lead and set high community standards in the beautification and maintenance of public spaces located within the city. The Atlantic Ocean, the St. Johns River and the Intracoastal Waterway have a great deal of influence on the micro climate, drainage issues and the diverse vegetation and wildlife that thrive within the city. The care and health of the coast and marsh must be paramount in every recommendation made by this committee about the use of our land, water system and tree canopy.

(a) ~~*Environmental stewardship committee purposes*~~. It shall be the purpose of the Environmental Stewardship Committee:

(1) To study and make recommendations to the city commission and city staff with respect to the city's:

a. Maritime forest;

b. ~~Passive P~~Parks, preserves and open spaces;

c. Beautification of public and private spaces; and

d. Environmental stewardship.

(2) To act as a motivating and coordinating body to encourage joint public and private participation in promoting these purposes.

~~*(b)*~~ ***Sec. 23-56.*** **Duties and responsibilities**. ~~*Environmental stewardship committee*~~

Scope of activities. The Environmental Stewardship Committee shall provide guidance and support to the ~~c~~City ~~c~~Commission and ~~c~~City ~~m~~Manager. The City Commission will have an annual joint Commission and ESC workshop to discuss the committee's priorities and annual workplan. ~~and, u~~Upon ~~request by the cCity cCommission or city manager, shall provide written recommendations, in the following areas listed below.~~ The City Commission will prioritize the committee's work plan related to these recommendations:

(1) Maritime forest:

a. Clarifying and strengthening the city's processes and all tree and landscape related city codes and ordinances;

b. Monitoring the appropriate administration and enforcement of the city's ordinances;

c. Promoting transparency through online access to relevant information;

d. Developing and maintaining environmental education and outreach programs about the maritime forest and relevant codes;

e. Promoting appropriate planting and care of trees on private property to owners, developers, builders, and tree/landscape service contractors;

f. Developing and maintaining a long-term tree plan that includes an assessment of the tree canopy, projecting future needs, and developing a calendar and budget for tree planting in parks, public spaces and along streets and rights-of-way;

g. Promoting tree canopy advocacy including upholding the city's status as a bona fide "Tree City USA;"

h. Developing a process for systematic, review of the city's enforcement of the existing tree codes, including the long-term health of trees planted for mitigation; and

i. Developing and maintaining a process for citizens to communicate possible violations to the city.

(2) ~~Passive~~ PParks and open spaces:

a. Developing and maintaining a long-range plan to protect, improve and beautify ~~passive~~ parks, preserves and open spaces;

b. Improving access to and amenities for parks including disability accommodations, bike paths, parking, signage and other user friendly features;

c. Expanding the city's inventory of parks and conservation land through acquisition or other means; and

d. Maintaining a web-based, publicly accessible inventory of parks including their history, archeological value, rules of use, deed restrictions and conservation easements.

(3) Beautification of public and private spaces:

a. Enhancing public spaces, including public rights-of-way, roadsides, city buildings, beach accesses and other publicly held properties with art, carefully maintained landscape design and plantings;

b. Incentivizing and advocating for beautification of private and commercial spaces;

c. Reducing the number and appearance of degraded or blighted public properties; and

d. Developing a design theme/community branding for signage, bus shelters, lighting and other elements of the built environment.

(4) Environmental stewardship:

a. Utilizing best practices, including a science based approach, when making any decision about development and its impact on our environment;

b. Protecting the beach, dunes, marshlands and wetlands as critical defenses in hurricane, erosion and flooding conditions;

c. Communicating the dynamics of tidal drainage and floodplain with the goal of preserving the city's flood management system;

d. Reviewing the city's environmental codes and ensuring enforcement of rules including, but not limited to, dumping, septic tanks and commercial pollution; and

e. Reviewing, updating and maintaining the Marsh Master Plan for adherence to current research about sea level change and wetlands preservation.

Sec. 23-57. – City staff administration supports.

(a) Staff will be assigned by the City Manager or designee to provide technical and administrative support. Staff will assist the Committee by preparing agendas, proper notice and minutes of meetings, and other administrative and technical services, as needed. The minutes will be filed with the City Clerks office.

(b) Staff will be responsible for the collection and expenditure of any City funds in accordance with purchasing guidelines.

Sec. 23 – 58. – Membership, terms, appointments, geographic requirements, composition.

~~(c) *Membership, terms, appointments, geographic requirements, composition.*~~

~~(~~a~~1~~) *Membership.* The ~~environmental stewardship~~ committee shall ~~be composed of eleven (11)~~ consist of nine (9) members. ~~One-half (½) of the filled seats of the committee shall constitute a quorum.~~ One half (1/2) of the filled seats of the committee shall constitute a quorum. ~~Five (5) members of the committee shall constitute a quorum, although a smaller number may meet without taking official action.~~ Regardless of the number of committee members in attendance, an action needs at least one half (1/2) of the filled seats of the committee ~~five (5) votes~~ in the affirmative to pass or fail an item. No member of the committee shall hold any other public office ~~or elected position.~~ in violation of Article II, Section 5(a), Florida Constitution.

(b2) *Terms.* ~~Following the expiration of the terms of office of the inaugural board members, all~~ All members shall serve ~~three four~~ three-year terms. Members shall not serve more than ~~three (3)~~ ~~two (2)~~ three (3) consecutive ~~three year~~ three-year terms on the committee. ~~and shall not be eligible for reappointment unless one term has passed since the person was term limited.~~ All terms shall expire on December 31 of the proper year, provided, however, that members whose terms expire shall continue to serve until replacement appointments are effective. Any committee member who wishes to resign should submit a letter of resignation to the chairman and city clerk. Any vacancy during the unexpired term of an appointed member shall be filled for the remainder of the term. Should the length of the unexpired term be less than one (1) year, then such appointment shall not count towards the maximum number of consecutive terms.

(c3) *Appointments.* ~~Except for the inaugural committee members, c~~Committee members shall be ~~selected~~ recommended by the board member review committee

and shall be approved by the commission. ~~The commission shall select the inaugural committee members as follows:~~

~~Member Representation~~	~~Appointed By~~
~~At large~~	~~Mayor (3 years)~~
~~At large~~	~~Mayor (4 years)~~
~~At large~~	~~Mayor (3 years)~~
~~District 1308 resident~~	~~Seat 2 commissioner (3 years)~~
~~At large~~	~~Seat 2 commissioner (4 years)~~
~~District 1307 resident~~	~~Seat 3 commissioner (3 years)~~
~~At large~~	~~Seat 3 commissioner (4 years)~~
~~District 1306 resident~~	~~Seat 4 commissioner (3 years)~~
~~At large~~	~~Seat 4 commissioner (4 years)~~
~~District 1312 resident~~	~~Seat 5 commissioner (3 years)~~
~~At large~~	~~Seat 5 commissioner (4 years)~~

(d) *Grandfathering*: Any member serving may continue under the rule, in which they were appointed as of the adoption ~~ing~~ of this code and can finish out the term.

(d~~4~~) *Geographical requirements.* There shall be at least one (1) member representing each city district on the C~~c~~ommittee. Each committee member must be a full time resident of the city or own real property in the city. For the purpose of this section, full time residency shall be defined as the person's principal place of abode. Any member must immediately notify the city manager, city clerk, and chair in writing upon no longer meeting the~~se~~ membership qualifications.

(e~~5~~) *Composition.* To the extent possible, committee members should demonstrate at least one (1) of the following skills, experience, expertise, educational background or interests:

a. Knowledge of best practices in environmental management and sustainability;

b. Land development and building construction;

c. Urban planning and design;

d. Arboriculture and horticulture;

e. Landscape architecture;

f. Environmental policy;

g. Environmental and constitutional law;

h. Community engagement; and

i. Educational programming.

(fd) Procedures and rules; *Organization of Officers*.

(1) (1) The Ceommittee shall meet on the second Wednesday of each month schedule no more than two (2) monthly meetings in the City Commission Chamber or other public venue.

(2) Special meetings may be called by the chair city manager or designee, provided with at least a forty-eight (48) hours' notice. is provided and that a majority of the members must agree to the date and time. At its first regularly scheduled meeting each January, the committee shall elect from among its members a chair, vice chair, and secretary who shall assume their positions immediately upon election.

(1)(3) All meetings of the Committee shall be properly noticed and open to the public.

(2) The chair shall preside at all meetings of the committee. The vice chair shall preside if the chair is absent.

(4) The Committee and each member shall comply with the Florida Government in the Sunshine Law, Florida Code of Ethics for Public Officers and Employees, Florida Public Records Law, and related provisions of the City's Code of Ordinances and applicable resolutions, as may be amended from time to time.

(3) The committee shall be staffed at each meeting by a city staff member appointed by the city manager to act as the recording clerk. In addition, the city manager or his/her designee shall attend all committee meetings.

(5) The Committee shall elect a chair and vice-chair at the regularly-scheduled meeting in January each year.

(6) In all cases involving points of parliamentary law, "Robert's Rules of Order" shall be the book of reference, and its rules, so far as they are applicable and not in conflict with the provisions of the city's Charter, Code, or other city ordinances, shall be the rules of this Committee.

(4) Roberts Rules of Order shall be followed at committee meetings. The committee may adopt, amend, and rescind procedural rules of the committee to aid in implementing the provisions of this section. All reports, studies, and recommendations made by the committee shall be approved by the committee before the same may be presented to the city commission or city manager on behalf of the committee.

(75) The committee shall establish a tree- not create subcommittees. in accordance with subsection (f) below. The committee may establish such other subcommittees from among its membership as it deems necessary to perform its activities. Subcommittees shall report on their progress to the committee at such times as the committee shall require. All committee and subcommittee meetings

~~shall be open to the public and are subject to Florida's Government in the Sunshine Laws.~~

(5) The committee shall establish a tree subcommittee in accordance with subsection (f) below. The tree subcommittee shall develop and recommend policies, programs, education, and incentives aimed at preserving, protecting, and enhancing the community's tree canopy.

~~(6) The committee's recording clerk shall keep minutes of the proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall become a public record.~~

(~~g~~e) *Removal of members.* Any member on the committee may be removed for cause by the city commission upon written charges and after public ~~hearing~~ meeting. Any member who fails to attend three (3) ESC meetings in three (3) consecutive ~~meetings~~ months without prior notice to the director of planning and community development or his/her designee and without reasonable cause shall have their ~~his~~ ~~office~~ seat declared vacant by the committee. The vacancy shall be promptly reported to the city clerk and filled by the city commission.

~~The committee may establish such other subcommittees from among its membership as it deems necessary to perform its activities. Subcommittees shall report on their progress to the committee at such times as the committee shall require. All committee and subcommittee meetings shall be open to the public and are subject to Florida's Government in the Sunshine Laws.~~

(f) *Establishment of tree subcommittee, membership, terms.*

(1) There is hereby established a tree subcommittee of the Environmental Stewardship Committee, referred to in this subsection as the subcommittee. The subcommittee shall systematically review tree permits submitted to the city for completeness and to determine compliance with the provisions of this chapter 23 as more particularly described in this subsection. The subcommittee shall produce a ~~bi~~ semi-annual report on the tree ~~canopy and tree permits~~ permitting process. The subcommittee shall consist of three (3) members and one (1) alternate member. The alternate shall serve in the case of the absence of any of the three (3) members. The members of the Environmental Stewardship Committee may volunteer to serve on the subcommittee and shall be appointed to the subcommittee by the Environmental Stewardship Committee. All of the members of the subcommittee shall be members of the Environmental Stewardship Committee. The Environmental Stewardship Committee shall appoint or remove the members of the subcommittee by a simple majority vote. Filling vacancies shall take place at the next regular scheduled meeting of the Environmental Stewardship Committee after a seat on the subcommittee has

become vacated. Members of the subcommittee may serve for as long as they serve on the Environmental Stewardship Committee.

(2) Organization of tree subcommittee.

a. The Environmental Stewardship Committee shall establish a regular meeting schedule of the tree subcommittee. ~~Unless otherwise determined, the subcommittee's meetings shall meet on the same date as the environmental stewardship committee.~~

b. The administrator or designee shall attend all meetings of the subcommittee. A city staff member designated by the city manager shall act as clerk for the subcommittee. The clerk shall be responsible for the clerical administration of the subcommittee. The clerk shall also be responsible for the maintenance and preservation of all records of the subcommittee in coordination with the city clerk's office.

c. The subcommittee shall utilize the rules of the Environmental Stewardship Committee. Robert's Rules of Order shall be followed to conduct meetings. All meetings shall be open to the public. The subcommittee shall keep minutes of the proceedings, recording the vote of each member upon each question or if absent or failing to vote, indicating such facts. It shall keep records of its examinations and other official actions, all of which shall be promptly filed with the city clerk's office and shall become public record. The subcommittee will operate in compliance with Florida's Government in the Sunshine Laws.

Sec 23-59. Liability to City.

The City Commission shall consider the recommendations proposed by the Committee, but nothing in this section or otherwise shall be construed as authorizing or empowering the Committee to impose any liability of any nature, financial or otherwise, upon the City, without City approval.

SECTION 3. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 4. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 5. Staff or the publisher of the City of Atlantic Beach's Code of Ordinances, the Municipal Code Corporation (www.municode.com) is hereby directed to incorporate the revised and amended Code provisions provided herein into the City's Code of Ordinances. Sections of Chapter 23 may be renumbered or re-lettered and scrivener's errors, formatting and typographical errors and other minor, inadvertent graphical errors in Chapter 23 which do not affect the intent may be authorized by the City Manager and City Attorney Without the need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION 5. Effective Date. This ordinance shall take effect upon final reading and approval.

PASSED by the City Commission on first reading this ____ day of _____, 2025.

PASSED by the City Commission on second and final reading this ____ day of _____, 2025.

CITY OF ATLANTIC BEACH

_____
Curtis Ford, Mayor

Attest:

_____
Donna L. Bartle, City Clerk

Approved as to form and correctness:

_____
Jason Gabriel, City Attorney

CITY OF ATLANTIC BEACH
CITY COMMISSION MEETING
STAFF REPORT

AGENDA ITEM: 90-Day Calendar for the City Commission

SUBMITTED BY: Adrianna Walsh, Executive Assistant to the City Manager

TODAY'S DATE: May 21, 2025

MEETING DATE: May 27, 2025

BACKGROUND: The rolling 90-day calendar is routinely revised based on input from City staff and the Commission, and is included in each agenda for consideration by consensus.

Please note that the 2025 town hall meetings have been scheduled for:

- Saturday, July 19 at Gail Baker Community Center
- Saturday, October 18 at the Adele Grage Cultural Center

Please note that the Budget Workshops for FY 2025-26 have been scheduled for 5 p.m. on:

- Monday, June 9
- Monday, June 23
- Monday, July 14
- Monday, July 28
- Monday, August 25

BUDGET: None

RECOMMENDATION: Accept the 90-Day Calendar for May 2025-July 2025 by consensus

ATTACHMENT(S): City Commission 90-Day Calendar (May 2025-July 2025)

REVIEWED BY CITY MANAGER:

CITY COMMISSION

May 2025

	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 Code Enforcement Special Magistrate 2 pm Speaker Series 6 pm (Chamber)	2 Blood Drive Noon-5 pm	3 WellFest 9 am Johansen Park
4 Farmers Market 10 am-2 pm (Russell Park) Songwriters Concert 6 pm (Gulliford Hall)	5	6 Safety Action Plan Open House 5:30 pm	7	8 ESC Special Meeting 8 am Pension Boards 6 pm	9	10 Wild Wonders 11 am (Dutton Island Pavilion)
11 Farmers Market 10 am-2 pm (Russell Park)	12 Priority Setting 5 pm City Commission 6:00 pm (Invoc-Kelly)	13 Arts, Recreation, Culture Committee 6 pm	14 Environmental Stewardship Cmte. 6 pm	15 Board Member Review Committee 6 pm	16	17 Wild Wonders 11 am (Dutton Island Pavilion)
18 Farmers Market 10 am-2 pm (Russell Park)	19	20 Lifeguard Station Ribbon-Cutting 10 am Community Development Board 6 pm	21 ESC Outreach Subcommittee 4:45 pm ESC Tree Subcmte. 6 pm	22 ESC Sustainability Subcmte. 9 am	23	24
25 Farmers Market 10 am-2 pm (Russell Park)	26 Memorial Day Holiday City Offices Closed Memorial Day Event 9 am Veterans Park	27 Draft Safety Plan Workshop 5:30 pm City Commission 6:00 pm (Invoc-Ring)	28	29	30	31

CITY COMMISSION

June 2025

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1 Farmers Market 10 am-2 pm (Russell Park) Shakespeare Sampler 5-7:30 pm (Johansen Park) Songwriters Concert 6 pm (Gulliford Hall)	2	3	4	5 Speaker Series 6 pm (Chamber)	6	7 Wild Wonders 11 am (Dutton Island Pavilion)
8 Farmers Market 10 am-2 pm (Russell Park)	9 Budget Workshop 5 pm City Commission 6:00 pm (Invoc-Ford)	10 Arts, Recreation, Culture Committee 6 pm	11 Environmental Stewardship Cmte. 6 pm	12	13 Midsummer Night's Dream 6-8 pm (Johansen Park)	14 Midsummer Night's Dream 6-8 pm (Johansen Park)
15 Farmers Market 10 am-2 pm (Russell Park)	16 Vulnerability Assessment and Adaptation Plan Commission Workshop 6 pm	17 Community Development Board 6 pm	18 ESC Outreach Subcmte. 4:45 pm ESC Tree Subcmte. 6 pm	19 Juneteenth Holiday City Offices Closed	20	21 Wild Wonders 11 am (Dutton Island Pavilion) Movie in the Park Sunset (Bull Park)
22 Farmers Market 10 am-2 pm (Russell Park)	23 Budget Workshop 5 pm City Commission 6:00 pm (Invoc-Bole)	24	25 Vulnerability Assessment and Adaptation Plan Public Input Meeting 5:30 pm	26 ESC Sustainability Subcmte. 9 am	27 Blood Drive Noon-5 pm	28
29 Farmers Market 10 am-2 pm (Russell Park)	30					

CITY COMMISSION

July 2025

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3 Speaker Series 6pm	4	5
6 Farmers Market 10 am-2 pm (Russell Park)	7	8	9 Environmental Stewardship Cmte. 6 pm	10 Code Enforcement Special Magistrate 2 pm	11	12
13 Farmers Market 10 am-2 pm (Russell Park) Songwriters Concert 6 pm (Gulliford Hall)	14 Budget Workshop 5 pm City Commission 6:00 pm (Invoc-Grant)	15 Community Development Board 6 pm	16 ESC Outreach Subcmte. 4:45 pm ESC Tree Subcmte. 6 pm	17	18	19 Town Hall Meeting 10 am Gail Baker Community Center
20 Farmers Market 10 am-2 pm (Russell Park)	21	22 Arts, Recreation, Culture Committee 6 pm	23	24 ESC Sustainability Subcmte. 9 am	25	26
27 Farmers Market 10 am-2 pm (Russell Park) Acoustic Night 6 pm (Bull Park)	28 Budget Workshop 5pm City Commission 6:00 pm (Invoc-Kelly)	29	30	31		

CITY OF ATLANTIC BEACH

CITY COMMISSION MEETING

STAFF REPORT

AGENDA ITEM: Resolution No. 25-40 authorizing the City Manager to execute the Memorandum of Understanding with the Jacksonville Sheriff's Office to designate JSO's facility as ABPD's backup 911 Center.

SUBMITTED BY: Victor Gualillo, Chief of Police

TODAY'S DATE: May 12, 2025

MEETING DATE: May 27, 2025

BACKGROUND: The Jacksonville Sheriff's Office (JSO) and the Atlantic Beach Police Department (ABPD) both operate 911 emergency communications centers. During times of natural disaster or other emergency situations, the systems of a 911 Call Center may be temporarily disabled. To ensure continuity of emergency services, JSO has established a fully equipped backup 911 Call Center located at 501 East Bay Street in Jacksonville.

JSO and ABPD wish to enter into a Memorandum of Understanding (MOU) that sets forth the terms by which ABPD may utilize JSO's backup 911 Center if ABPD's primary 911 Center becomes inoperable. The MOU provides a clear operational framework for coordination and use of shared resources in an emergency.

BUDGET: None.

RECOMMENDATION: Approve Resolution No. 25-40 authorizing the City Manager to execute the Memorandum of Understanding with the Jacksonville Sheriff's Office to designate JSO's facility as ABPD's backup 911 Center.

ATTACHMENTS:

- Resolution No. 25-40
- Memorandum of Understanding between the Jacksonville Sheriff's Office and the City of Atlantic Beach

REVIEWED BY CITY MANAGER:



RESOLUTION NO. 25-40

A RESOLUTION OF THE CITY OF ATLANTIC BEACH AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE JACKSONVILLE SHERIFF'S OFFICE AND THE CITY OF ATLANTIC BEACH FOR A BACKUP 911 CENTER; GIVING THE CITY MANAGER SIGNATORY AUTHORITY; IN ACCORDANCE WITH AND AS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Jacksonville Sheriff's Office (JSO) and the Atlantic Beach Police Department (ABPD) each operate 911 emergency communications centers (individually referred to as a "911 Center"); and

WHEREAS, during times of natural disasters, technical failures, or other emergency situations, the operational systems of a 911 Center may be temporarily disabled or rendered inoperable; and

WHEREAS, the JSO has equipped and maintains a backup 911 Center located at 501 East Bay Street, Jacksonville, Florida 32202 (the "Backup 911 Center") that is capable of being immediately utilized to receive and process 911 emergency calls in the event its primary 911 Center becomes disabled; and

WHEREAS, the ABPD and JSO desire to enter into a Memorandum of Understanding (MOU) to establish the terms and conditions under which ABPD may utilize JSO's Backup 911 Center as its emergency backup communications facility in the event ABPD's primary 911 Center is disabled.

NOW THEREFORE, be it resolved by the City Commission of the City of Atlantic Beach as follows:

Section 1. The City Commission hereby authorizes the City Manager to enter into the Memorandum of Understanding with the Jacksonville Sheriff's Office for the use of JSO's Backup 911 Center.

Section 2. The City Commission hereby grants the City Manager signatory authority to execute the MOU and any related documents as necessary to effectuate the provisions of this resolution.

Section 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED by the City of Atlantic Beach, this 27th day of May, 2025.

Attest:

_____
Donna L. Bartle, City Clerk

_____
Curtis Ford, Mayor

Approved as to form and correctness:

_____
Jason Gabriel, City Attorney

MEMORANDUM OF UNDERSTANDING FOR BACKUP CENTER/RELOCATION FOR ATLANTIC BEACH POLICE DEPARTMENT 911 CENTER

This Memorandum of Understanding for Backup Center/Relocation for Atlantic Beach Police Department 911 Center (this "**MOU**") is dated _____._____ 2025 (the "**Effective Date**"), and is between the **JACKSONVILLE SHERIFF'S OFFICE**, an office organized and existing under the charter and ordinance code of the City of Jacksonville ("**JSO**"), and **CITY OF ATLANTIC BEACH**, a municipal corporation in Duval County, Florida ("**Atlantic Beach**"), on behalf of the Atlantic Beach Police Department ("**ABPD**").

Whereas, JSO and ABPD have and operate 911 emergency communications centers (individually, a "**911 Center**").

Whereas, during times of natural disaster and other emergency situations, the systems of a 911 Center may be temporarily disabled.

Whereas, JSO has equipped and organized a backup 911 Center located at 501 East Bay Street, Jacksonville, Florida 32202 (the "**Backup 911 Center**") that can be utilized immediately to receive and process 911 emergency calls in the event its primary 911 Center is disabled.

Whereas, JSO and ABPD want to enter into this MOU to set forth the terms by which ABPD may utilize JSO's backup 911 Center as ABPD's backup 911 Center in the event ABPD's primary 911 Center is disabled.

Now, therefore, JSO and ABPD agree as follows:

1. Purpose. The purpose of this MOU is to establish a formal arrangement whereby JSO makes its Backup 911 Center available to ABPD during those times that ABPD may experience failure to its primary 911 Center, subject to the terms of this MOU.

2. Term; Termination. The term of this MOU (the "**Term**") begins on the Effective Date and continues for a period of one year, unless sooner terminated in accordance with the terms of this MOU. The parties may extend the Term by mutual agreement in writing. Either party may terminate this MOU at any time and for any reason by notifying the non-terminating party in writing, at which point this MOU will terminate 30 days after the non-terminating party receives that notice.

3. Backup 911 Center. In the event that ABPD experiences failure to its primary 911 Center, JSO shall allow ABPD to use JSO's Backup 911 Center to receive and process 911 emergency calls. The Backup 911 Center consists of the following equipment:

a. ID Cards. Identification cards that will allow access to the appropriate locations in the Backup 911 Center's building and parking areas.

b. Administrative Computers. Two administrative computers for connections to ABPD 911 web sites utilized along with a connection for NCIC/FCIC account utilizing ABPD's E-Agent account. The JSO ENT sign on will be utilized to access these computers.

c. CAD Computer. Two computers for computer aided dispatch (CAD). ABPD will be responsible for CAD functions and if ABPD is not on the shared CAD system, ABPD will be responsible for utilizing a manual system.

d. *Telephone Computer*. Two telephone computers will be provided for ABPD to connect to the Duval County 911 system. These computers will also have connections for the administrative lines. Calls will be specifically for the Atlantic Beach jurisdiction.

e. *Radio Computers*. One radio computer will be provided with ABPD radio profile.

f. *Miscellaneous Space*. A sleeping area for ABPD employees not working during the time of the emergency situation will be provided as needed. The space should accommodate up to two employees. Space will also be provided for any NCIC files that are necessary for ABPD. ABPD will provide its own NCIC file storage containers and folders.

g. *Shared Equipment and Space*. In the event that ABPD, Neptune Beach Police Department, and Jacksonville Beach Police Department are required to relocate to JSO's Backup 911 Center, ABPD understands and agrees that the services, equipment, and space stated in this MOU will be shared between the three agencies.

h. *Cyber-Attack.* In the event of a suspected cyber-attack at ABPD's 911 Center requiring relocation to the Backup 911 Center, and upon approval from the Assistant Chief of JSO's Information Systems Management Section (ISM) or a higher authority, JSO'S ISM will disable ABPD's enterprise accounts and ABPD will request the enterprise accounts be re-enabled for ABPD's communications personnel.

4. **Liability.** The parties shall be liable for their own acts or omissions, subject to the limitations set forth in section 768.28, Florida Statutes. Each party assumes responsibility for the acts, omissions, or conduct of its employees. The foregoing shall not constitute a waiver of sovereign immunity beyond the limits set forth in section 768.28, Florida Statutes, or of any defense available to either party. Nothing in this MOU shall be construed as consent by either party to be sued by third parties in any matter, whether arising out of this MOU or any other contract.

5. **Insurance.** Each party will provide and bear its own insurance costs.

6. **Public Records.** The parties agree to adhere to the Public Records provisions set forth in Chapter 119, Florida Statutes.

7. **Relationship of Parties.** Nothing in this MOU delegates any constitutional or statutory duty of one party to the other party. Except as set forth in this MOU, neither party shall have any responsibility with respect to services provided or the contractual obligations of the other party. Nothing in this MOU shall be deemed to constitute that the party is a partner, agent, or local representative of the other party or to create any type of fiduciary responsibility or relationship of any kind whatsoever between the parties.

8. **No Third-Party Beneficiaries.** This MOU is for the exclusive benefit of the parties and not for the benefit of any third person, nor shall this MOU be deemed to confer or have conferred any rights, express or implied, upon any other third party or person.

9. **Assignment; Successors.** This MOU may not be transferred or assigned to another. This MOU shall be binding upon and inure to the benefit of the parties and their respective successors.

10. **Severability.** The invalidity or unenforceability of any clause or provision in this MOU shall in no way affect the validity or enforceability of any other clause or provision.

11. **Amendment; Waiver.** No amendment or modification of this MOU will be effective unless it is in writing and signed by the parties. No waiver under this MOU will be effective unless it is in writing and signed by the party granting the waiver.

12. Governing Law; Venue. This MOU is governed by the laws of the State of Florida and the ordinances of the City of Jacksonville. Venue for any action arising under this MOU lies exclusively in the appropriate court in Duval County, Florida.

13. Entire Agreement. This MOU constitutes the entire understanding between the parties with respect to the subject matter of this MOU and supersedes all other agreements, whether written or oral, between the parties.

14. Counterparts. This MOU may be executed electronically and in several counterparts each of which will be deemed an original and all of which will constitute one instrument.

In witness whereof, the parties are signing this MOU the day and year first written above.

Witness

By: _____
Name: _____
Title: _____

JACKSONVILLE SHERIFF'S OFFICE
Pursuant to section 37.101(m), Jacksonville Ordinance Code

By_____
T.K. Waters
Sheriff

Witness

By: _____
Name: _____
Title: _____

CITY OF ATLANTIC BEACH, a municipal corporation in Duval County, Florida

By:_____
Name:_____
Title: _____

_____

Approved as to form for JSO:

Office of General Counsel, City of Jacksonville

CITY OF ATLANTIC BEACH
CITY COMMISSION MEETING
STAFF REPORT

AGENDA ITEM: Resolution No. 25-41 authorizing the City Manager to approve and execute on behalf of the City of Atlantic Beach specified utilities related documents between the Florida Department of Transportation and the City of Atlantic Beach

SUBMITTED BY: Steve Swann, City Engineer

TODAY'S DATE: May 7, 2025

MEETING DATE: May 27, 2025

BACKGROUND: The Florida Department of Transportation (FDOT) is completing the design process for the Mayport Road diet project that will reduce the roadway to four lanes from Dutton Island Road to Atlantic Boulevard and construct a 10-foot-wide multiuse path. The City of Atlantic Beach Public Utilities Department has water and sewer infrastructure in the FDOT right-of-way in the project area and construction of this project will result in numerous minor utility conflicts. Construction is scheduled for Fiscal Year 2025-26.

The Mayport Road right-of-way is owned by FDOT and the City is obligated, as the Utility/Agency Owner (UAO), to move its utility infrastructure out of the way of the project or otherwise accommodate its construction where there is a conflict. For this project, almost all of the utility conflicts relate to manhole covers and valve covers that need to be adjusted to match proposed pavement heights.

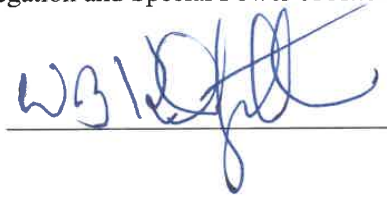
With respect to coordination and cost, it is most efficient to request that the FDOT's selected highway contractor make the required adjustments during construction. The City could opt to hire a contractor directly to make these changes. However, this option will likely be more expensive due to the extensive coordination required with the FDOT's contractor to make the required utility adjustments at the right time in the project.

For the City to utilize the FDOT's highway contractor to make the utility adjustments, FDOT will execute a *Utility Work by Highway Contractor Agreement* with the City. As part of this process, FDOT requested that the City execute the attached delegation and special power of attorney document to expedite negotiation of the terms of the *Utility Work by Highway Contractor Agreement*. It is in the best interest of the City to execute this document and provide the City Manager with the authority to negotiate and execute the *Utility Work by Highway Contractor Agreement*.

BUDGET: No immediate budget impact. However, Public Utilities will have to budget for the utility accommodation work associated with this project next fiscal year. A proposed budget has not yet been established by FDOT.

RECOMMENDATION: Authorize the City Manager to execute the attached FDOT delegation and special power of attorney document.

ATTACHMENTS: Resolution 25-41
Draft FDOT Delegation and Special Power of Attorney

REVIEWED BY CITY MANAGER: 

RESOLUTION NO. 25-41

A RESOLUTION OF THE CITY OF ATLANTIC BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE AND EXECUTE ON BEHALF OF THE CITY OF ATLANTIC BEACH SPECIFIED UTILITIES RELATED DOCUMENTS BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ATLANTIC BEACH; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Florida Department of Transportation is completing design of a project that will reduce Mayport Road from six lanes to four lanes and add a multiuse path between Atlantic Boulevard and Dutton Island Road; and

WHEREAS, the City of Atlantic Beach has water and sewer utility infrastructure in the project area that conflicts with the proposed project; and

WHEREAS, the City of Atlantic Beach, as the Utility Agency/Owner, is responsible for moving move its utility infrastructure out of the way of the project or otherwise accommodate its construction where there is a conflict and the conflict occurs within the right-of-way owned by the Florida Department of Transportation; and

WHEREAS, it is in the best interest of the City of Atlantic Beach to authorize the Florida Department of Transportation's highway contractor for the Mayport Road project to rectify any utility conflicts; and

WHEREAS, the Florida Department of Transportation requires execution of a Utility Work by Highway Contractor Agreement with the City to authorize its highway contractor to correct the utility conflicts and effectuate this work; and

WHEREAS, the Florida Department of Transportation requested the City of Atlantic Beach execute a delegation and special power of attorney to expedite negotiation of the terms of the Utility Work by Highway Contractor Agreement.

NOW THEREFORE, be it resolved by the City Commission of the City of Atlantic Beach as follows:

SECTION 1. The City Commission hereby authorizes the City Manager to execute a delegation and special power of attorney to expedite negotiation of the terms of the Utility Work by Highway Contractor Agreement;

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED by the City of Atlantic Beach, this 27th day of May 2025.

_____
Curtis Ford, Mayor

Attest:

_____
Donna L. Bartle, City Clerk

Approved as to form and correctness:

_____
Jason Gabriel, City Attorney

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

CORPORATE RESOLUTION, DELEGATION, AND SPECIAL POWER OF ATTORNEY

710-010-50
UTILITIES
10/04

NOW, THEREFORE, BE IT RESOLVED BY City of Atlantic Beach, **HEREINAFTER REFERRED TO AS THE "UAO", THAT:**

1. The positions, the title of which appears in the chart below, are hereby delegated the authority, and the persons, the name of whom appears in the chart below, are hereby appointed as attorney-in-fact for the **UAO**, to approve and execute on behalf of and in the name of the **UAO**, any specified document type listed in the chart below next to that position or person between the **UAO** and the **STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION** (hereinafter referred to as the **FDOT**) and all other documents, agreements and instruments which are necessary in connection with the document type specified. In the event that All is checked or specified, there shall be no limitation on the authority of that position or person to approve and execute documents between the **UAO** and the **FDOT**.

2. This delegation and appointment shall remain in full force and effect, and the **FDOT** shall be entitled to rely upon this delegation and appointment, until written notice of the modification, rescission, or revocation of this delegation and appointment, in whole or in part, in the form of a corporate resolution, has been actually delivered to the State Utility Engineer of the **FDOT** at its central office in Tallahassee, Florida, with copies to the District Utility Engineer of each District of the **FDOT**. No such modification, rescission, or revocation shall, in any event, be effective with respect to any documents executed or actions taken pursuant to this delegation and appointment prior to the actual delivery of written notice of such modification, rescission, or revocation to the **FDOT** as specified above.

3. This delegation and appointment shall not be exclusive and shall not be deemed to limit the authority of any other position or person which may otherwise have authority for the **UAO**.

Name of Representative (If by NAME Please Type or Print approved names)	**Title of Representative** (If by TITLE Please Type or Print approved titles)	**Approved to Sign** (Please check or specify type)	
		All	**Specified Document Type**
William B. Killingsworth	City Manager	☐	Utility Work by Hwy Contractor Agreement
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STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

CORPORATE RESOLUTION, DELEGATION, AND SPECIAL POWER OF ATTORNEY

710-010-50
UTILITIES
10/04

Name of Representative (If by NAME Please Type or Print approved names)	Title of Representative (If by TITLE Please Type or Print approved titles)	Approved to Sign (Please check or specify type)	
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ON MOTION of _____, seconded by _____, the above resolution was introduced and passed by the **UAO** on the _____ day of_____, year of_____ .

NAME: _____ **DATE:** _____

Title: Curtis Ford, Mayor

ATTEST: _____ **DATE:** _____

Title: Donna Bartle, City Clerk

CITY OF ATLANTIC BEACH
CITY COMMISSION MEETING
STAFF REPORT

AGENDA ITEM: Ordinance 95-25-124 amending Chapter 23 modifying the provisions of the Environmental Stewardship Committee

SUBMITTED BY: William B. Killingsworth, City Manager

TODAY'S DATE: May 15, 2025

MEETING DATE: May 27, 2025

BACKGROUND: The City Commission approved Ordinance No. 95-25-124 on first read on February 10. Subsequent meetings and discussions including the City Commission, the Environmental Stewardship Committee (ESC), and staff have led to proposed revisions. The key changes being proposed to the City Code are:

- **Number of Committee Members:** Nine.
- **Annual Workshop and Priorities**: An annual workshop between the Commission and the ARCC is now mandated. The City Commission shall approve the committee's work plan.
- **Quorum and Voting**: A quorum requires a majority of filled seats, and decisions will be made based on a majority of filled seats.
- **Member Attendance**: The criteria for removal due to lack of attendance have been updated to include missing three meetings within a three-month period.
- **Meeting Limit Without City Manager Approval for Additional Meetings:** Two meetings per month.
- **Tree Subcommittee Reporting.** The Tree Subcommittee shall produce a semi-annual report on the permitting process.

BUDGET: None

RECOMMENDATION: Review and consider approving Ordinance No. 95-25-124 on second reading.

ATTACHMENT(S): Ordinance No. 95-25-124 (Approved on First Reading)
Ordinance No. 95-25-124 (Proposed Changes)

REVIEWED BY CITY MANAGER: 

ORDINANCE NO. 95-25-124

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, COUNTY OF DUVAL, STATE OF FLORIDA, AMENDING CHAPTER 23, PROTECTION OF TREES AND THE NATURAL ENVIRONMENT, DIVISION 3. – PERMITS, SEC. 23-23.- PERMITS PROCEDURES, AND SEC. 23-25.- APPEALS; AMENDING DIVISION 6.-VIOLATIONS, ENFORCEMENT AND PENALTIES BY MOVING SEC. 23-52.-, ENVIRONMENTAL STEWARDSHIP COMMITTEE-INTENT, INTO A NEW DIVISION 7, ENTITLED ENVIRONMENTAL STEWARDSHIP COMMITTEE, AND RENUMBERING WITH NEW SECTIONS, OF THE CITY OF ATLANTIC BEACH CODE OF ORDINANCES; PROVIDING FOR ADOPTION OF SAID AMENDMENTS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sec. 23-52 of the Code of Ordinances for the City of Atlantic Beach provides details for the Environmental Stewardship Committee (ESC) and the city recognizes this topic should be its own division (now Division 7) and renumber the subsections within Chapter 23 to help better organize the codes; and

WHEREAS, the City desires to standardize city boards and committees, to the greatest extent possible; and

WHEREAS, by standardizing the ESC it is necessary to remove the sections related to subcommittees (amendments to Sec. 23-23 and 23-25); and

WHEREAS, the City desires to standardize city boards and committees, to the greatest extent possible; and

WHEREAS, establishing consistent, uniform boards improves efficiency and productivity.

NOW, THEREFORE, BE ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:

SECTION 1. Purpose and Intent. The purpose and intent of this Ordinance are to standardize city boards and committees to improve efficiency and productivity.

SECTION 2. Purpose and Intent. Amend Sec., 23-23 Permit procedure, Sec. 23-25 Appeals and Variances and Sec. 23-52, Environmental Stewardship Committee – Intent, of the Code of Ordinances is hereby amended as follows:

Sec. 23-23. Permits procedures.

(a) *Application required.* The applicant for a tree or vegetation removal permit shall submit the established fee along with the application form as created and provided by the city to the designated administrative department. The application shall contain all required narrative and graphical information necessary to determine compliance with this chapter. If the applicant is not the property owner, proper owner's authorization shall also be required.

(1) *Existing lots or parcels.* When a tree or vegetation removal permit is required, applications for tree or vegetation removal shall be made prior to removal and prior to any site disturbance or grading on a lot or parcel.

(2) *New or re-platted subdivisions.* Applications for tree or vegetation removal that will be part of a new subdivision plat or a re-plat shall be submitted along with the preliminary subdivision plat application so that due consideration may be given to the protection of regulated trees and regulated vegetation during the site planning and subdivision process. Trees to be protected shall be noted on the final subdivision plat, and subsequent applications for individual lots or parcels shall be consistent with the approved final subdivision plat, or application for a new tree removal permit shall be required.

(3) *After-the-fact permits.* Any person(s) engaging in the removal of regulated tree(s) or regulated vegetation prior to obtaining a permit will be required to apply for and obtain an after-the-fact permit, and meet mitigation requirements as assessed.

(b) *Sufficiency review of applications.*

(1) Upon receipt of the application and appropriate fee, the administrator shall conduct a preliminary review within five (5) business days to determine that all required information has been submitted and is sufficient for review purposes. The applicant shall be notified of any deficient items. Upon submittal of deficient or missing information, the administrator shall again review the application. If the requested information has not been provided or is insufficient, the applicant shall be notified in writing that no further review will be performed until the requested information is provided and found to be sufficient.

(2) The administrator shall upload all tree permit applications to the city's website and send to Environmental Stewardship Committee (ESC) within three (3) days of being deemed sufficient in accordance with this section.

~~(3) The ESC tree subcommittee may review any permit application for compliance with this chapter and may provide recommendations to the administrator regarding the permit application.~~

~~(4) One (1) member of the ESC tree subcommittee may accompany the administrator on the initial site inspection as an observer. The subcommittee member must make the request to attend the initial site inspection as an observer within three (3) business days of the permit being uploaded to the city's website. The subcommittee member shall not interact with the property owner or the property owner's agents during the site inspection and shall stay in the vicinity of the administrator during the inspection. The subcommittee member shall be provided twenty-four (24) hours' notice prior to the~~

~~time of the site inspection. If multiple requests are made by subcommittee members to accompany the administrator on the initial site inspection, the administrator shall select the first subcommittee member who submits a request in writing.~~

(~~5~~-3) The administrator may refer the application to other city department(s), ~~the ESC tree subcommittee,~~ or a consultant during preliminary review. The applicant shall be notified if extended review by other departments and/or professionals is required.

(~~4~~6) An application shall be deemed abandoned thirty (30) days after the date the administrator notifies the applicant of any deficiencies contained in the application if the applicant has failed to submit all of the deficient or missing information. The administrator may, upon written request and justification by the applicant, grant not more than one (1), thirty-day extension. At the expiration of the extension, the application shall automatically become null and void. In such cases, the application review fees will not be refunded.

(c) *Review by other agencies.* At the discretion of the administrator, relative to the environmental sensitivity of the site, appropriate written sign-offs, permits or consents from the agencies listed below which have jurisdiction may be required prior to regulated tree or regulated vegetation removal from sites contiguous to or containing environmentally sensitive areas or lands. The applicant shall obtain the written approvals, permits, or consents and submit the agencies' written verification to the city:

(1) Army Corp of Engineers (ACOE);

(2) Saint Johns River Water Management District (SJRWMD);

(3) Florida Department of Environmental Protection (FDEP);

(4) Any other applicable governmental agencies extending jurisdictional controls over the site.

(d) *Compliance review and approval of applications.* When the administrator's application review process and inspections have been completed, the administrator shall distribute ~~a notice of intent to issue a~~ the approved tree permit to the applicant and all members of the ESC ~~tree subcommittee, including the alternate member~~ and upload the draft permit to the city's website. ~~The permit shall be effective five (5) business days after the notice of intent is distributed, unless a timely appeal is filed.~~

(e) *Expiration of permits.* Work pursuant to the permit shall commence within six (6) months of the date of issuance, or the permit shall expire. If the tree removal permit is in connection with a development permit, compliance with the tree removal permit shall be determined before the applicable development permit's final inspection, or issuance of certificate of completion or certificate of occupancy, as applicable.

(f) *Content of permits.* The permit shall be issued in such form as may be prescribed by the administrator and shall set forth in detail the conditions upon which the permit is granted and specifically identify which land areas shall be cleared and/or which trees shall be permitted to be removed. One (1) permit may cover several trees or groups of trees as long as the trees or groups of trees can be clearly identified thereon; provided, however, no permit may be issued for more than one (1) lot, parcel or area of land unless such lots,

parcels or areas of land shall be contiguous to one another and considered as one (1) parcel for the purpose of development.

(g) *Posting of permits.* The permit shall be posted in a conspicuous and visible place at the front of the property by the applicant prior to any tree removal. The permit shall remain posted on the property during all applicable tree and vegetation removal activity and until final inspection by the city. It is the responsibility of the applicant to maintain the permit in a clearly visible manner at all times.

(h) *Amendment of permits.* Requests for minor changes to approved plans shall be made as an amendment to the applicable permit. Additional information submitted with a request for permit amendment shall be adequate to fully document the nature of the proposed change and the effect it will have on all aspects regulated by this chapter. All plans, reports, calculations, and other information affected by the proposed amendment shall be updated so as to maintain an accurate record of the development activity. Review time for any changes to plans approved for a permitted site shall be the same as specified for the review of a new application. An amendment to a permit shall not automatically extend the expiration date.

Substantial changes, including significant increases in the number of trees to be removed or land to be cleared, increases in impervious surface area, changes to intended land use, modification of stormwater management systems, or any other change that constitutes a major modification to a site plan or subdivision, new phases of development or other additions, shall not be treated as amendments, but shall require a new permit application and fee.

(i) *Revocation of permits.*

(1) *By administrator.* The administrator may revoke any permit issued pursuant to this chapter, following notice in writing to the permittee and after providing the permittee opportunity to respond to the notice, in either of the following circumstances:

a. The administrator finds that the permittee has continued with any development activity on a site for which a permit was issued, while the site is under a stop work order which has not been reversed, canceled or suspended pursuant to this chapter, except for specified remedial work required to bring the violation into compliance with the approved permit; or

b. If the administrator finds that the approval of the permit was based on incorrect information furnished by the applicant for the permit. Based upon such finding, however, the administrator may make reasonably necessary accommodations to the conditions of a permit in lieu of revoking it.

(2) *Discontinuance of work.* Revocation of a permit may also result in a stop work order in accordance with section 23-48.

Sec. 23-25. Appeals and variances.

(a) *Appeals.* Appeals of final decisions by the administrator made under the authority of this chapter may be made by the applicant, any member of the ESC ~~tree subcommittee~~, or an adversely affected party in accordance with the following provisions. Any appeal filed pursuant to this section shall stay all work on the premises and all proceedings in furtherance of the action appealed, unless the appropriate administrative official certifies that a stay would cause imminent peril to life or property.

(1) Appeals of a final action or decision by the administrator shall be filed in writing with the administrator within five (5) business days after rendition of the decision or final order being appealed. Upon receipt of a timely filed appeal, the administrator shall place the matter on the agenda of the next ESC ~~tree subcommittee~~ meeting or request a special meeting within a reasonable period of time with proper public notice, as well as due notice to interested parties. ~~The~~ ESC ~~tree subcommittee~~ shall review the application for compliance with the requirements of Cehapter 23 and shall, by majority vote, recommend that the administrator either approve, approve with conditions, or deny the appeal. If the appellant is a member of the ESC ~~tree subcommittee~~, that member shall not participate in the decision. The administrator shall issue or deny the permit within five (5) business days after the ESC ~~tree subcommittee~~ meeting.

(b) *Variances.* The community development board is authorized to grant relief from the strict application of this chapter where, due to an exceptional situation, adherence to the regulations of this chapter results in "exceptional practical difficulties or undue hardship" upon a property owner. The community development board must determine that granting the request will not cause substantial detriment to the public good and will not be inconsistent with the general intent and purpose of this chapter. The applicant has the burden of proof. Any request for a variance pursuant to this section shall stay all work on the premises and all proceedings in furtherance of the action appealed, unless the appropriate administrative official certifies that a stay would cause imminent peril to life or property.

(1) A request for a variance shall be submitted on an application form as provided by the city and shall contain each of the following:

a. A legal description of the property for which the variance is requested.

b. A reasonable statement describing the reasons and justification for the variance.

c. A survey or site plan indicating existing, removed, and/or proposed trees; existing and proposed construction, as well as other significant features existing on the lot.

d. The signature of the owner, or the signature of the owner's authorized agent. Written and notarized authorization by the owner for the agent to act on behalf of the property owner shall be provided with the application.

(2) Upon receipt of a complete and proper application, the administrator shall within a reasonable period of time schedule the application for a public hearing before the community development board following the required public notice as set forth in section 24-51. At the public hearing, the applicant may appear in person and/or may be represented by an authorized agent.

a. Applications for a variance shall be considered on a case-by-case basis and shall be approved only upon findings of fact that the application is consistent with the definition of a variance and consistent with the provisions of this section.

b. Variances shall not be granted solely for the personal comfort or convenience, for relief from financial circumstances, or for relief from situations created by the property owner.

(3) Grounds for approval of a variance. The community development board shall find that one (1) or more of the following factors exist to support an application for a variance:

a. Existing topographic elevation changes that would result in the likelihood that preserved or planted materials would not survive.

b. Existing electrical lines or utility easements that prevent or restrict the preservation or planting of landscape materials.

c. Barrier island or dune ecosystem planting conditions that cannot support certain hardwood species.

d. Designs and plans that, to the greatest extent feasible, avoid encroachment upon preservation areas and/or trees.

In the event the community development board finds that none of the above exist, then the community development board shall deny the variance.

(4) Approval of a variance. To approve an application for a variance, the community development board shall find that the request is in accordance with the preceding terms and provisions of this section and that the granting of the variance will be in harmony with the purpose and intent of this chapter. In granting a variance, the community development board may prescribe appropriate conditions in conformance with and to maintain consistency with city Code. Violation of such conditions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter, and shall be subject to established code enforcement procedures.

(5) Approval of lesser variances. The community development board shall have the authority to approve a lesser variance than requested if a lesser variance shall be more appropriately in accord with the terms and provisions of this section and with the purpose and intent of this chapter.

(6) Nearby nonconformity. Nonconforming characteristics of nearby lands, structures or buildings shall not be grounds for approval of a variance.

(7) Waiting period for re-submittal. If an application for a variance is denied by the community development board, no further action on another application for substantially the same request on the same property shall be accepted for three hundred sixty-five (365) days from the date of denial.

DIVISION 7. – ENVIRONMENTAL STEWARDSHIP COMMITTEE

Sec. 23-525-. ~~Environmental stewardship committee—Intent~~ Purpose.

The maritime forest in Atlantic Beach is core to the city's identity as a small coastal village. The tree canopy creates beauty, provides a home for wildlife, functions as an element of the water management system and enhances property values. It is in the best interest for this committee to be the stewards of the tree canopy through advocacy, assessment, maintenance, planting and preservation of this natural resource. The city parks provide open spaces for recreation, exercise, wildlife habitat, relaxation and encounters with the natural world. This committee intends to support the community to provide a variety of park spaces that are well maintained, accessible and secure. This committee shall take the lead and set high community standards in the beautification and maintenance of public spaces located within the city. The

Atlantic Ocean, the St. Johns River and the Intracoastal Waterway have a great deal of influence on the micro climate, drainage issues and the diverse vegetation and wildlife that thrive within the city. The care and health of the coast and marsh must be paramount in every recommendation made by this committee about the use of our land, water system and tree canopy.

(a) ~~*Environmental stewardship committee purposes*~~. It shall be the purpose of the environmental stewardship committee:

(1) To study and make recommendations to the city commission and city staff with respect to the city's:

a. Maritime forest;

b. Passive p~~P~~arks, preserves and open spaces;

c. Beautification of public and private spaces; and

d. Environmental stewardship.

(2) To act as a motivating and coordinating body to encourage joint public and private participation in promoting these purposes.

~~(b)~~ **Sec. 23 – 56. Duties and responsibilities.** ~~*Environmental stewardship committee – Scope of activities.*~~ The environmental stewardship committee shall provide guidance and support to the Ceity Ceommission and Ceity Mmanager. ~~and,~~ Uupon request by the Ceity Ceommission or Ceity Mmanager, shall provide written recommendations, in the following areas listed below. The City Commission will prioritize the committee's work plan related to these recommendations:

(1) Maritime forest:

a. Clarifying and strengthening the city's processes and all tree and landscape related city codes and ordinances;

b. Monitoring the appropriate administration and enforcement of the city's ordinances;

c. Promoting transparency through online access to relevant information;

d. Developing and maintaining environmental education and outreach programs about the maritime forest and relevant codes;

e. Promoting appropriate planting and care of trees on private property to owners, developers, builders, and tree/landscape service contractors;

f. Developing and maintaining a long-term tree plan that includes an assessment of the tree canopy, projecting future needs, and developing a calendar and budget for tree planting in parks, public spaces and along streets and rights-of-way;

g. Promoting tree canopy advocacy including upholding the city's status as a bona fide "Tree City USA;"

h. Developing a process for systematic, review of the city's enforcement of the existing tree codes, including the long-term health of trees planted for mitigation; and

i. Developing and maintaining a process for citizens to communicate possible violations to the city.

(2) Passive pParks and open spaces:

a. Developing and maintaining a long-range plan to protect, improve and beautify passive parks, preserves and open spaces;

b. Improving access to and amenities for parks including disability accommodations, bike paths, parking, signage and other user friendly features;

c. Expanding the city's inventory of parks and conservation land through acquisition or other means; and

d. Maintaining a web-based, publicly accessible inventory of parks including their history, archeological value, rules of use, deed restrictions and conservation easements.

(3) Beautification of public and private spaces:

a. Enhancing public spaces, including public rights-of-way, roadsides, city buildings, beach accesses and other publicly held properties with art, carefully maintained landscape design and plantings;

b. Incentivizing and advocating for beautification of private and commercial spaces;

c. Reducing the number and appearance of degraded or blighted public properties; and

d. Developing a design theme/community branding for signage, bus shelters, lighting and other elements of the built environment.

(4) Environmental stewardship:

a. Utilizing best practices, including a science based approach, when making any decision about development and its impact on our environment;

b. Protecting the beach, dunes, marshlands and wetlands as critical defenses in hurricane, erosion and flooding conditions;

c. Communicating the dynamics of tidal drainage and floodplain with the goal of preserving the city's flood management system;

d. Reviewing the city's environmental codes and ensuring enforcement of rules including, but not limited to, dumping, septic tanks and commercial pollution; and

e. Reviewing, updating and maintaining the Marsh Master Plan for adherence to current research about sea level change and wetlands preservation.

Sec. 23-57. – City staff administration supports.

(a) Staff will be assigned by the City Manager or designee to provide technical and administrative support. Staff will assist the Committee by preparing agendas, proper notice

and minutes of meetings, and other administrative and technical services, as needed. The minutes will be filed with the City Clerks office.

(b) Staff will be responsible for the collection and expenditure of any City funds in accordance with purchasing guidelines.

Sec. 23 – 58. – Membership, terms, appointments, geographic requirements, composition.

~~(c) *Membership, terms, appointments, geographic requirements, composition.*~~

~~(a1~~) *Membership.* The ~~environmental stewardship~~ committee shall ~~be composed of eleven (11)~~ consist of nine (9) members. ~~One-half (½) of the filled seats of the committee shall constitute a quorum.~~ Five (5) members of the committee shall constitute a quorum, although a smaller number may meet without taking official action. Regardless of the number of committee members in attendance, an action needs at least five (5) votes in the affirmative to pass or fail an item. No member of the committee shall hold any other public office or elected position. ~~in violation of Article II, Section 5(a), Florida Constitution.~~

(b2) *Terms.* ~~Following the expiration of the terms of office of the inaugural board members, all~~ All members shall serve three-year terms. Members shall not serve more than ~~three (3)~~ two (2) consecutive three-year terms on the committee. All terms shall expire on December 31 of the proper year, provided, however, that members whose terms expire shall continue to serve until replacement appointments are effective. Any committee member who wishes to resign should submit a letter of resignation to the chairman and city clerk. Any vacancy during the unexpired term of an appointed member shall be filled for the remainder of the term. Should the length of the unexpired term be less than one (1) year, then such appointment shall not count towards the maximum number of consecutive terms.

(c3) *Appointments.* ~~Except for the inaugural committee members, c~~Committee members shall be selected ~~by the board member review committee and shall be confirmed~~ by the commission. ~~The commission shall select the inaugural committee members as follows:~~

~~Member Representation~~	~~Appointed By~~
~~At large~~	~~Mayor (3 years)~~
~~At large~~	~~Mayor (4 years)~~
~~At large~~	~~Mayor (3 years)~~
~~District 1308 resident~~	~~Seat 2 commissioner (3 years)~~
~~At large~~	~~Seat 2 commissioner (4 years)~~
~~District 1307 resident~~	~~Seat 3 commissioner (3 years)~~
~~At large~~	~~Seat 3 commissioner (4 years)~~

~~District 1306 resident~~	~~Seat 4 commissioner (3 years)~~
~~At large~~	~~Seat 4 commissioner (4 years)~~
~~District 1312 resident~~	~~Seat 5 commissioner (3 years)~~
~~At large~~	~~Seat 5 commissioner (4 years)~~

(d4) *Geographical requirements.* There shall be at least one (1) member representing each city district on the Ceommittee. Each committee member must be a full time resident of the city or own real property in the city. For the purpose of this section, full time residency shall be defined as the person's principal place of abode. Any member must immediately notify the city manager, city clerk, and chair in writing upon no longer meeting these membership qualifications.

(e5) *Composition.* To the extent possible, committee members should demonstrate at least one (1) of the following skills, experience, expertise, educational background or interests:

a. Knowledge of best practices in environmental management and sustainability;

b. Land development and building construction;

c. Urban planning and design;

d. Arboriculture and horticulture;

e. Landscape architecture;

f. Environmental policy;

g. Environmental and constitutional law;

h. Community engagement; and

i. Educational programming.

(fd) Procedures and rules; *Organization of Officers*.

(1) ~~(1)~~ The Ceommittee shall ~~meet on the second Wednesday of each month~~ schedule no more than two (2) monthly meetings in the City Commission Chamber or other public venue.

(2) Special meetings may be called by the ~~chair~~ city manager, ~~provided~~ with at least a forty-eight (48) hour~~s~~' notice. ~~is provided and that a majority of the members must agree to the date and time. At its first regularly scheduled meeting each January, the committee shall elect from among its members a chair, vice chair, and secretary who shall assume their positions immediately upon election.~~

~~(1)~~(3) All meetings of the Committee shall be properly noticed and open to the public.

~~(2) The chair shall preside at all meetings of the committee. The vice chair shall preside if the chair is absent~~.

(4) The Committee and each member shall comply with the Florida Government in the Sunshine Law, Florida Code of Ethics for Public Officers and Employees, Florida Public Records Law, and related provisions of the City's Code of Ordinances and applicable resolutions, as may be amended from time to time.

(3) ~~The committee shall be staffed at each meeting by a city staff member appointed by the city manager to act as the recording clerk. In addition, the city manager or his/her designee shall attend all committee meetings.~~

(5) The Committee shall elect a chair and vice-chair at the regularly-scheduled meeting in January each year.

(6) In all cases involving points of parliamentary law, "Robert's Rules of Order" shall be the book of reference, and its rules, so far as they are applicable and not in conflict with the provisions of the city's Charter, Code, or other city ordinances, shall be the rules of this Committee.

~~(4) Roberts Rules of Order shall be followed at committee meetings. The committee may adopt, amend, and rescind procedural rules of the committee to aid in implementing the provisions of this section. All reports, studies, and recommendations made by the committee shall be approved by the committee before the same may be presented to the city commission or city manager on behalf of the committee.~~

(75) The committee shall ~~establish a tree~~ not create subcommittees. ~~in accordance with subsection (f) below. The committee may establish such other subcommittees from among its membership as it deems necessary to perform its activities. Subcommittees shall report on their progress to the committee at such times as the committee shall require. All committee and subcommittee meetings shall be open to the public and are subject to Florida's Government in the Sunshine Laws.~~

~~(6) The committee's recording clerk shall keep minutes of the proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall become a public record.~~

(ge) *Removal of members.* Any member on the committee may be removed for cause by the city commission upon written charges and after public ~~hearing~~ meeting. Any member who fails to attend three (3) consecutive meetings without prior notice to the director of planning and community development or his/her designee and without reasonable cause shall have their ~~his office~~ seat declared vacant by the committee. The vacancy shall be promptly reported to the city clerk and filled by the city commission.

~~(f) *Establishment of tree subcommittee, membership, terms.*~~

~~(1) There is hereby established a tree subcommittee of the environmental stewardship committee, referred to in this subsection as the subcommittee. The subcommittee shall systematically review tree permits submitted to the city for completeness and to determine compliance with the provisions of this chapter 23 as more particularly described in this subsection. The subcommittee shall consist of three~~

~~(3) members and one (1) alternate member. The alternate shall serve in the case of the absence of any of the three (3) members. The members of the environmental stewardship committee may volunteer to serve on the subcommittee and shall be appointed to the subcommittee by the environmental stewardship committee. All of the members of the subcommittee shall be members of the environmental stewardship committee. The environmental stewardship committee shall appoint or remove the members of the subcommittee by a simple majority vote. Filling vacancies shall take place at the next regular scheduled meeting of the environmental stewardship committee after a seat on the subcommittee has become vacated. Members of the subcommittee may serve for as long as they serve on the environmental stewardship committee.~~

~~(2) Organization of tree subcommittee.~~

~~a. The environmental stewardship committee shall establish a regular meeting schedule of the tree subcommittee. Unless otherwise determined, the subcommittee's meetings shall meet on the same date as the environmental stewardship committee.~~

~~b. The administrator or designee shall attend all meetings of the subcommittee. A city staff member designated by the city manager shall act as clerk for the subcommittee. The clerk shall be responsible for the clerical administration of the subcommittee. The clerk shall also be responsible for the maintenance and preservation of all records of the subcommittee in coordination with the city clerk's office.~~

~~c. The subcommittee shall utilize the rules of the environmental stewardship committee. Robert's Rules of Order shall be followed to conduct meetings. All meetings shall be open to the public. The subcommittee shall keep minutes of the proceedings, recording the vote of each member upon each question or if absent or failing to vote, indicating such facts. It shall keep records of its examinations and other official actions, all of which shall be promptly filed with the city clerk's office and shall become public record. The subcommittee will operate in compliance with Florida's Government in the Sunshine Laws.~~

Sec 23-59. Liability to City.

The City Commission shall consider the recommendations proposed by the Committee, but nothing in this section or otherwise shall be construed as authorizing or empowering the Committee to impose any liability of any nature, financial or otherwise, upon the City, without City approval.

SECTION 3. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 4. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 5. Effective Date. This ordinance shall take effect upon final reading and approval.

PASSED by the City Commission on first reading this ____ day of _____, 2025.

PASSED by the City Commission on second and final reading this ____ day of _____, 2025.

CITY OF ATLANTIC BEACH

_____
Curtis Ford, Mayor

Attest:

_____
Donna L. Bartle, City Clerk

Approved as to form and correctness:

_____
Jason Gabriel, City Attorney

Proposed Changes

ORDINANCE NO. 95-25-124

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, COUNTY OF DUVAL, STATE OF FLORIDA, AMENDING CHAPTER 23, PROTECTION OF TREES AND THE NATURAL ENVIRONMENT, DIVISION 3. – PERMITS, SEC. 23-23.- PERMITS PROCEDURES, AND SEC. 23-25.- APPEALS; AMENDING DIVISION 6.-VIOLATIONS, ENFORCEMENT AND PENALTIES BY MOVING SEC. 23-52.-, ENVIRONMENTAL STEWARDSHIP COMMITTEE-INTENT, INTO A NEW DIVISION 7, ENTITLED ENVIRONMENTAL STEWARDSHIP COMMITTEE, AND RENUMBERING WITH NEW SECTIONS, OF THE CITY OF ATLANTIC BEACH CODE OF ORDINANCES; PROVIDING FOR ADOPTION OF SAID AMENDMENTS; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Sec. 23-52 of the Code of Ordinances for the City of Atlantic Beach provides details for the Environmental Stewardship Committee (ESC) and the city recognizes this topic should be its own division (now Division 7) and renumber the subsections within Chapter 23 to help better organize the codes; and

WHEREAS, the City desires to standardize city boards and committees, to the greatest extent possible; and

WHEREAS, by standardizing the ESC it is necessary to remove the sections related to subcommittees (amendments to Sec. 23-23 and 23-25); and

WHEREAS, the City desires to standardize city boards and committees, to the greatest extent possible; and

WHEREAS, establishing consistent, uniform boards improves efficiency and productivity.

NOW, THEREFORE, BE ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:

SECTION 1. Purpose and Intent. The purpose and intent of this Ordinance are to standardize city boards and committees to improve efficiency and productivity and Amend Sec., 23-23 Permit procedures, Sec. 23-25 Appeals and Variances and Sec. 23-52, Environmental Stewardship Committee – Intent, of the Code of Ordinances is hereby amended as follows:

Proposed Changes

Sec. 23-23. Permits procedures.

(a) *Application required.* The applicant for a tree or vegetation removal permit shall submit the established fee along with the application form as created and provided by the city to the designated administrative department. The application shall contain all required narrative and graphical information necessary to determine compliance with this chapter. If the applicant is not the property owner, proper owner's authorization shall also be required.

(1) *Existing lots or parcels.* When a tree or vegetation removal permit is required, applications for tree or vegetation removal shall be made prior to removal and prior to any site disturbance or grading on a lot or parcel.

(2) *New or re-platted subdivisions.* Applications for tree or vegetation removal that will be part of a new subdivision plat or a re-plat shall be submitted along with the preliminary subdivision plat application so that due consideration may be given to the protection of regulated trees and regulated vegetation during the site planning and subdivision process. Trees to be protected shall be noted on the final subdivision plat, and subsequent applications for individual lots or parcels shall be consistent with the approved final subdivision plat, or application for a new tree removal permit shall be required.

(3) *After-the-fact permits.* Any person(s) engaging in the removal of regulated tree(s) or regulated vegetation prior to obtaining a permit will be required to apply for and obtain an after-the-fact permit, and meet mitigation requirements as assessed.

(b) *Sufficiency review of applications.*

(1) Upon receipt of the application and appropriate fee, the administrator shall conduct a preliminary review within five (5) business days to determine that all required information has been submitted and is sufficient for review purposes. The applicant shall be notified of any deficient items. Upon submittal of deficient or missing information, the administrator shall again review the application. If the requested information has not been provided or is insufficient, the applicant shall be notified in writing that no further review will be performed until the requested information is provided and found to be sufficient.

(2) The administrator shall upload all tree permit applications to the city's website and send to Environmental Stewardship Committee (ESC) within three (3) days of being deemed sufficient in accordance with this section.

(3) The ESC ~~tree subcommittee~~ may review any permit application for compliance with this chapter and may provide recommendations to the administrator regarding the permit application.

~~(4) One (1) member of the ESC tree subcommittee may accompany the administrator on the initial site inspection as an observer. The subcommittee member must make the request to attend the initial site inspection as an observer within three (3) business days of the permit being uploaded to the city's website. The subcommittee member shall not interact with the property owner or the property owner's agents during the site inspection and shall stay in the vicinity of the administrator during the inspection. The subcommittee member shall be provided twenty-four (24) hours' notice prior to the~~

Proposed Changes

~~time of the site inspection. If multiple requests are made by subcommittee members to accompany the administrator on the initial site inspection, the administrator shall select the first subcommittee member who submits a request in writing.~~

(~~5~~3) The administrator may refer the application to other city department(s), the ESC ~~tree subcommittee,~~ or a consultant during preliminary review. The applicant shall be notified if extended review by other departments and/or professionals is required.

(46) An application shall be deemed abandoned thirty (30) days after the date the administrator notifies the applicant of any deficiencies contained in the application if the applicant has failed to submit all of the deficient or missing information. The administrator may, upon written request and justification by the applicant, grant not more than one (1), thirty-day extension. At the expiration of the extension, the application shall automatically become null and void. In such cases, the application review fees will not be refunded.

(c) *Review by other agencies.* At the discretion of the administrator, relative to the environmental sensitivity of the site, appropriate written sign-offs, permits or consents from the agencies listed below which have jurisdiction may be required prior to regulated tree or regulated vegetation removal from sites contiguous to or containing environmentally sensitive areas or lands. The applicant shall obtain the written approvals, permits, or consents and submit the agencies' written verification to the city:

(1) Army Corp of Engineers (ACOE);

(2) Saint Johns River Water Management District (SJRWMD);

(3) Florida Department of Environmental Protection (FDEP);

(4) Any other applicable governmental agencies extending jurisdictional controls over the site.

(d) *Compliance review and approval of applications.* When the administrator's application review process and inspections have been completed, the administrator shall distribute ~~a notice of intent to issue a~~ the approved tree permit to the applicant and all members of the ESC ~~tree subcommittee, including the alternate member~~ and upload the draft permit to the city's website. ~~The permit shall be effective five (5) business days after the notice of intent is distributed, unless a timely appeal is filed.~~

(e) *Expiration of permits.* Work pursuant to the permit shall commence within six (6) months of the date of issuance, or the permit shall expire. If the tree removal permit is in connection with a development permit, compliance with the tree removal permit shall be determined before the applicable development permit's final inspection, or issuance of certificate of completion or certificate of occupancy, as applicable.

(f) *Content of permits.* The permit shall be issued in such form as may be prescribed by the administrator and shall set forth in detail the conditions upon which the permit is granted and specifically identify which land areas shall be cleared and/or which trees shall be permitted to be removed. One (1) permit may cover several trees or groups of trees as long as the trees or groups of trees can be clearly identified thereon; provided, however, no permit may be issued for more than one (1) lot, parcel or area of land unless such lots,

Proposed Changes

parcels or areas of land shall be contiguous to one another and considered as one (1) parcel for the purpose of development.

(g) *Posting of permits.* The permit shall be posted in a conspicuous and visible place at the front of the property by the applicant prior to any tree removal. The permit shall remain posted on the property during all applicable tree and vegetation removal activity and until final inspection by the city. It is the responsibility of the applicant to maintain the permit in a clearly visible manner at all times.

(h) *Amendment of permits.* Requests for minor changes to approved plans shall be made as an amendment to the applicable permit. Additional information submitted with a request for permit amendment shall be adequate to fully document the nature of the proposed change and the effect it will have on all aspects regulated by this chapter. All plans, reports, calculations, and other information affected by the proposed amendment shall be updated so as to maintain an accurate record of the development activity. Review time for any changes to plans approved for a permitted site shall be the same as specified for the review of a new application. An amendment to a permit shall not automatically extend the expiration date.

Substantial changes, including significant increases in the number of trees to be removed or land to be cleared, increases in impervious surface area, changes to intended land use, modification of stormwater management systems, or any other change that constitutes a major modification to a site plan or subdivision, new phases of development or other additions, shall not be treated as amendments, but shall require a new permit application and fee.

(i) *Revocation of permits.*

(1) *By administrator.* The administrator may revoke any permit issued pursuant to this chapter, following notice in writing to the permittee and after providing the permittee opportunity to respond to the notice, in either of the following circumstances:

a. The administrator finds that the permittee has continued with any development activity on a site for which a permit was issued, while the site is under a stop work order which has not been reversed, canceled or suspended pursuant to this chapter, except for specified remedial work required to bring the violation into compliance with the approved permit; or

b. If the administrator finds that the approval of the permit was based on incorrect information furnished by the applicant for the permit. Based upon such finding, however, the administrator may make reasonably necessary accommodations to the conditions of a permit in lieu of revoking it.

(2) *Discontinuance of work.* Revocation of a permit may also result in a stop work order in accordance with section 23-48.

Sec. 23-25. Appeals and variances.

(a) *Appeals.* Appeals of final decisions by the administrator made under the authority of this chapter may be made by the applicant, any member of the ESC tree subcommittee, or an adversely affected party in accordance with the following provisions. Any appeal filed pursuant to this section shall stay all work on the premises and all proceedings in furtherance of the action appealed, unless the appropriate administrative official certifies that a stay would cause imminent peril to life or property.

Proposed Changes

(1) Appeals of a final action or decision by the administrator shall be filed in writing with the administrator within five (5) business days after rendition of the decision or final order being appealed. Upon receipt of a timely filed appeal, the administrator shall place the matter on the agenda of the next ESC tree subcommittee meeting or request a special meeting within a reasonable period of time with proper public notice, as well as due notice to interested parties. ~~The~~ ESC tree subcommittee shall review the application for compliance with the requirements of Cehapter 23 and shall, by majority vote, recommend that the administrator either approve, approve with conditions, or deny the appeal. If the appellant is a member of the ESC tree subcommittee, that member shall not participate in the decision. The administrator, upon considering the tree subcommittee recommendation, shall issue or deny the permit within five (5) business days after the ESC tree subcommittee meeting.

(b) *Variances.* The community development board is authorized to grant relief from the strict application of this chapter where, due to an exceptional situation, adherence to the regulations of this chapter results in "exceptional practical difficulties or undue hardship" upon a property owner. The community development board must determine that granting the request will not cause substantial detriment to the public good and will not be inconsistent with the general intent and purpose of this chapter. The applicant has the burden of proof. Any request for a variance pursuant to this section shall stay all work on the premises and all proceedings in furtherance of the action appealed, unless the appropriate administrative official certifies that a stay would cause imminent peril to life or property.

(1) A request for a variance shall be submitted on an application form as provided by the city and shall contain each of the following:

a. A legal description of the property for which the variance is requested.

b. A reasonable statement describing the reasons and justification for the variance.

c. A survey or site plan indicating existing, removed, and/or proposed trees; existing and proposed construction, as well as other significant features existing on the lot.

d. The signature of the owner, or the signature of the owner's authorized agent. Written and notarized authorization by the owner for the agent to act on behalf of the property owner shall be provided with the application.

(2) Upon receipt of a complete and proper application, the administrator shall within a reasonable period of time schedule the application for a public hearing before the community development board following the required public notice as set forth in section 24-51. At the public hearing, the applicant may appear in person and/or may be represented by an authorized agent.

a. Applications for a variance shall be considered on a case-by-case basis and shall be approved only upon findings of fact that the application is consistent with the definition of a variance and consistent with the provisions of this section.

b. Variances shall not be granted solely for the personal comfort or convenience, for relief from financial circumstances, or for relief from situations created by the property owner.

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(3) Grounds for approval of a variance. The community development board shall find that one (1) or more of the following factors exist to support an application for a variance:

a. Existing topographic elevation changes that would result in the likelihood that preserved or planted materials would not survive.

b. Existing electrical lines or utility easements that prevent or restrict the preservation or planting of landscape materials.

c. Barrier island or dune ecosystem planting conditions that cannot support certain hardwood species.

d. Designs and plans that, to the greatest extent feasible, avoid encroachment upon preservation areas and/or trees.

In the event the community development board finds that none of the above exist, then the community development board shall deny the variance.

(4) Approval of a variance. To approve an application for a variance, the community development board shall find that the request is in accordance with the preceding terms and provisions of this section and that the granting of the variance will be in harmony with the purpose and intent of this chapter. In granting a variance, the community development board may prescribe appropriate conditions in conformance with and to maintain consistency with city Code. Violation of such conditions, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter, and shall be subject to established code enforcement procedures.

(5) Approval of lesser variances. The community development board shall have the authority to approve a lesser variance than requested if a lesser variance shall be more appropriately in accord with the terms and provisions of this section and with the purpose and intent of this chapter.

(6) Nearby nonconformity. Nonconforming characteristics of nearby lands, structures or buildings shall not be grounds for approval of a variance.

(7) Waiting period for re-submittal. If an application for a variance is denied by the community development board, no further action on another application for substantially the same request on the same property shall be accepted for three hundred sixty-five (365) days from the date of denial.

DIVISION 7. – ENVIRONMENTAL STEWARDSHIP COMMITTEE

Sec. 23-525-. ~~Environmental stewardship committee—Intent~~ Purpose.

The maritime forest in Atlantic Beach is core to the city's identity as a small coastal village. The tree canopy creates beauty, provides a home for wildlife, functions as an element of the water management system and enhances property values. It is in the best interest for this committee to be the stewards of the tree canopy through advocacy, assessment, maintenance, planting and preservation of this natural resource. The city parks provide open spaces for recreation, exercise, wildlife habitat, relaxation and encounters with the natural world. This committee intends to support the community to provide a variety of park spaces that are well maintained, accessible and secure. This committee shall take the lead and set high community standards in the beautification and maintenance of public spaces located within the city. The

Proposed Changes

Atlantic Ocean, the St. Johns River and the Intracoastal Waterway have a great deal of influence on the micro climate, drainage issues and the diverse vegetation and wildlife that thrive within the city. The care and health of the coast and marsh must be paramount in every recommendation made by this committee about the use of our land, water system and tree canopy.

(a) ~~*Environmental stewardship committee purposes*~~. It shall be the purpose of the environmental stewardship committee:

(1) To study and make recommendations to the city commission and city staff with respect to the city's:

a. Maritime forest;

b. Parks, preserves and open spaces;

c. Beautification of public and private spaces; and

d. Environmental stewardship.

(2) To act as a motivating and coordinating body to encourage joint public and private participation in promoting these purposes.

~~(b)~~ **Sec. 23 – 56. Duties and responsibilities.** ~~*Environmental stewardship committee—*~~ *Scope of activities*. The Eenvironmental Sstewardship Ceommittee shall provide guidance, ~~and~~ support, and suggest priorities and projects to the Ceity Ceommission and Ceity M~~m~~anager. The City Commission will have an annual joint Commission and ESC workshop to discuss the committee's priorities, suggested projects, and annual workplan. ~~and, upon request by the city commission or city manager, shall provide written recommendations, in the following areas~~The City Commission will prioritize the committee's work plan related to these recommendations:

(1) Maritime forest:

a. Clarifying and strengthening the city's processes and all tree and landscape related city codes and ordinances;

b. Monitoring the appropriate administration and enforcement of the city's ordinances;

c. Promoting transparency through online access to relevant information;

d. Developing and maintaining environmental education and outreach programs about the maritime forest and relevant codes;

e. Promoting appropriate planting and care of trees on private property to owners, developers, builders, and tree/landscape service contractors;

f. Developing and maintaining a long-term tree plan that includes an assessment of the tree canopy, projecting future needs, and developing a calendar and budget for tree planting in parks, public spaces and along streets and rights-of-way;

g. Promoting tree canopy advocacy including upholding the city's status as a bona fide "Tree City USA;"

Proposed Changes

h. Developing a process for systematic, review of the city's enforcement of the existing tree codes, including the long-term health of trees planted for mitigation; and

i. Developing and maintaining a process for citizens to communicate possible violations to the city.

(2) Parks and open spaces:

a. Developing and maintaining a long-range plan to protect, improve and beautify parks, preserves and open spaces;

b. Improving access to and amenities for parks including disability accommodations, bike paths, parking, signage and other user friendly features;

c. Expanding the city's inventory of parks and conservation land through acquisition or other means; and

d. Maintaining a web-based, publicly accessible inventory of parks including their history, archeological value, rules of use, deed restrictions and conservation easements.

(3) Beautification of public and private spaces:

a. Enhancing public spaces, including public rights-of-way, roadsides, city buildings, beach accesses and other publicly held properties with art, carefully maintained landscape design and plantings;

b. Incentivizing and advocating for beautification of private and commercial spaces;

c. Reducing the number and appearance of degraded or blighted public properties; and

d. Developing a design theme/community branding for signage, bus shelters, lighting and other elements of the built environment.

(4) Environmental stewardship:

a. Utilizing best practices, including a science based approach, when making any decision about development and its impact on our environment;

b. Protecting the beach, dunes, marshlands and wetlands as critical defenses in hurricane, erosion and flooding conditions;

c. Communicating the dynamics of tidal drainage and floodplain with the goal of preserving the city's flood management system;

d. Reviewing the city's environmental codes and ensuring enforcement of rules including, but not limited to, dumping, septic tanks and commercial pollution; and

e. Reviewing, updating and maintaining the Marsh Master Plan for adherence to current research about sea level change and wetlands preservation.

Sec. 23-57. – City staff administration supports.

Proposed Changes

(a) Staff will be assigned by the City Manager or designee to provide technical and administrative support. Staff will assist the Committee by preparing agendas, proper notice and minutes of meetings, and other administrative and technical services, as needed. The minutes will be filed with the City Clerks office.

(b) Staff will be responsible for the collection and expenditure of any City funds in accordance with purchasing guidelines.

Sec. 23 – 58. – Membership, terms, appointments, geographic requirements, composition.

~~(c) *Membership, terms, appointments, geographic requirements, composition.*~~

~~(a1)~~ *Membership.* The ~~environmental stewardship~~ committee shall ~~be composed of eleven (11)~~ consist of nine (9) members. ~~One half (½)~~ The majority of the filled seats of the committee shall constitute a quorum. Regardless of the number of committee members in attendance, it shall take an action of the majority of the seats filled in the affirmative to pass or fail an item. No member of the committee shall hold any other public office in violation of Article II, Section 5(a), Florida Constitution.

(b~~2~~) *Terms.* ~~Following the expiration of the terms of office of the inaugural board members, all~~ All members shall serve three-year terms. Members shall not serve more than three (3) consecutive three-year terms on the committee. All terms shall expire on December 31 of the proper year, provided, however, that members whose terms expire shall continue to serve until replacement appointments are effective. Any committee member who wishes to resign should submit a letter of resignation to the chairman and city clerk. Any vacancy during the unexpired term of an appointed member shall be filled for the remainder of the term. Should the length of the unexpired term be less than one (1) year, then such appointment shall not count towards the maximum number of consecutive terms.

(c~~3~~) *Appointments.* ~~Except for the inaugural committee members, c~~Committee members shall be ~~selected~~ recommended by the board member review committee and shall be ~~confirmed~~ approved by the commission. ~~The commission shall select the inaugural committee members as follows:~~

~~Member Representation~~	~~Appointed By~~
~~At large~~	~~Mayor (3 years)~~
~~At large~~	~~Mayor (4 years)~~
~~At large~~	~~Mayor (3 years)~~
~~District 1308 resident~~	~~Seat 2 commissioner (3 years)~~
~~At large~~	~~Seat 2 commissioner (4 years)~~
~~District 1307 resident~~	~~Seat 3 commissioner (3 years)~~

Proposed Changes

~~At large~~	~~Seat 3 commissioner (4 years)~~
~~District 1306 resident~~	~~Seat 4 commissioner (3 years)~~
~~At large~~	~~Seat 4 commissioner (4 years)~~
~~District 1312 resident~~	~~Seat 5 commissioner (3 years)~~
~~At large~~	~~Seat 5 commissioner (4 years)~~

(d4) *Geographical requirements.* There shall be at least one (1) member representing each city district on the Ceommittee. Each committee member must be a full time resident of the city or own real property in the city. For the purpose of this section, full time residency shall be defined as the person's principal place of abode. Any member must immediately notify the city manager, city clerk, and chair in writing upon no longer meeting these membership qualifications.

(e5) *Composition.* To the extent possible, committee members should demonstrate at least one (1) of the following skills, experience, expertise, educational background or interests:

a. Knowledge of best practices in environmental management and sustainability;

b. Land development and building construction;

c. Urban planning and design;

d. Arboriculture and horticulture;

e. Landscape architecture;

f. Environmental policy;

g. Environmental and constitutional law;

h. Community engagement; and

i. Educational programming.

(fd) Procedures and rules; *Organization of Officers*.

(1) ~~(1)~~ The Ceommittee shall ~~meet on the second Wednesday of each month~~ schedule no more than two (2) monthly meetings in the City Commission Chamber or other public venue.

(2) Special meetings may be called by the ~~chair~~ city manager or designee, ~~provided~~ with at least a forty-eight (48) hour~~s'~~ notice. ~~is provided and that a majority of the members must agree to the date and time. At its first regularly scheduled meeting each January, the committee shall elect from among its members a chair, vice chair, and secretary who shall assume their positions immediately upon election.~~

~~(1)~~ (3) All meetings of the Committee shall be properly noticed and open to the public.

Proposed Changes

~~(2) The chair shall preside at all meetings of the committee. The vice chair shall preside if the chair is absent~~.

(4) The Committee and each member shall comply with the Florida Government in the Sunshine Law, Florida Code of Ethics for Public Officers and Employees, Florida Public Records Law, and related provisions of the City's Code of Ordinances and applicable resolutions, as may be amended from time to time.

(~~3~~) ~~The committee shall be staffed at each meeting by a city staff member appointed by the city manager to act as the recording clerk. In addition, the city manager or his/her designee shall attend all committee meetings.~~

(5) The Committee shall elect a chair and vice-chair at the regularly-scheduled meeting in January each year.

(6) In all cases involving points of parliamentary law, "Robert's Rules of Order" shall be the book of reference, and its rules, so far as they are applicable and not in conflict with the provisions of the city's Charter, Code, or other city ordinances, shall be the rules of this Committee.

~~(4) Roberts Rules of Order shall be followed at committee meetings. The committee may adopt, amend, and rescind procedural rules of the committee to aid in implementing the provisions of this section. All reports, studies, and recommendations made by the committee shall be approved by the committee before the same may be presented to the city commission or city manager on behalf of the committee.~~

(7) The committee shall establish a tree subcommittee in accordance with subsection (~~h~~f) below. The tree subcommittee shall develop and recommend policies, programs, education, and incentives aimed at preserving, protecting, and enhancing the community's tree canopy. ~~The committee may establish such other subcommittees from among its membership as it deems necessary to perform its activities~~. ~~Subcommittees shall report on their progress to the committee at such times as the committee shall require. All committee and subcommittee meetings shall be open to the public and are subject to Florida's Government in the Sunshine Laws.~~

(~~7~~5) The committee shall ~~establish a tree~~ not create subcommittee~~s~~. ~~in accordance with subsection (f) below. The committee may establish such other subcommittees from among its membership as it deems necessary to perform its activities. Subcommittees shall report on their progress to the committee at such times as the committee shall require. All committee and subcommittee meetings shall be open to the public and are subject to Florida's Government in the Sunshine Laws.~~

~~(6) The committee's recording clerk shall keep minutes of the proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall become a public record.~~

Proposed Changes

(ge) *Removal of members.* Any member on the committee may be removed for cause by the city commission upon written charges and after public ~~hearing~~ meeting. Any member who fails to attend three (3) ESC meetings in three (3) consecutive ~~meetings~~ months without prior notice to the director of planning and community development or his/her designee and without reasonable cause shall have their ~~his~~ ~~office~~ seat declared vacant by the committee. The vacancy shall be promptly reported to the city clerk and filled by the city commission.

(h~~f~~) *Establishment of tree subcommittee, membership, terms.*

(1) There is hereby established a tree subcommittee of the environmental stewardship committee, referred to in this subsection as the subcommittee. The subcommittee shall systematically review tree permits submitted to the city for completeness and to determine compliance with the provisions of this chapter 23 as more particularly described in this subsection. The subcommittee shall produce a semi-annual report on the tree permitting process. The subcommittee shall consist of three (3) members and one (1) alternate member. The alternate shall serve in the case of the absence of any of the three (3) members. The members of the environmental stewardship committee may volunteer to serve on the subcommittee and shall be appointed to the subcommittee by the environmental stewardship committee. All of the members of the subcommittee shall be members of the environmental stewardship committee. The environmental stewardship committee shall appoint or remove the members of the subcommittee by a simple majority vote. Filling vacancies shall take place at the next regular scheduled meeting of the environmental stewardship committee after a seat on the subcommittee has become vacated. Members of the subcommittee may serve for as long as they serve on the environmental stewardship committee.

(2) Organization of tree subcommittee.

a. The environmental stewardship committee shall establish a regular meeting schedule of the tree subcommittee. ~~Unless otherwise determined, the subcommittee's meetings shall meet on the same date as the environmental stewardship committee.~~

b. The administrator or designee shall attend all meetings of the subcommittee. A city staff member designated by the city manager shall act as clerk for the subcommittee. The clerk shall be responsible for the clerical administration of the subcommittee. The clerk shall also be responsible for the maintenance and preservation of all records of the subcommittee in coordination with the city clerk's office.

c. The subcommittee shall utilize the rules of the environmental stewardship committee. Robert's Rules of Order shall be followed to conduct meetings. All meetings shall be open to the public. The subcommittee shall keep minutes of the proceedings, recording the vote of each member upon each question or if absent or failing to vote, indicating such facts. It shall keep records of its examinations and other official actions, all of which shall be promptly filed with the city clerk's office and shall become public record.

Proposed Changes

The subcommittee will operate in compliance with Florida's Government in the Sunshine Laws.

Sec 23-59. Liability to City.

The City Commission shall consider the recommendations proposed by the Committee, but nothing in this section or otherwise shall be construed as authorizing or empowering the Committee to impose any liability of any nature, financial or otherwise, upon the City, without City approval.

SECTION 23. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 34. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 5 Scrivener's errors. Staff or the publisher of the City of Atlantic Beach's Code of Ordinances, the Municipal Code Corporation (www.municode.com) is hereby directed to incorporate the revised and amended Code provisions provided herein into the City's Code of Ordinances. Sections of Chapter 23 may be re-numbered or re-lettered and scrivener's errors, formatting and typographical errors and other minor, inadvertent graphical errors in Chapter 23 which do not affect the intent may be authorized by the City Manager and City Attorney without the need of public hearing, by filing a corrected or re-codified copy of the same with the City Clerk.

SECTION 65. Effective Date. This ordinance shall take effect upon final reading and approval.

PASSED by the City Commission on first reading this __10th__ day of __February_____, 2025.

PASSED by the City Commission on second and final reading this ____ day of _____, 2025.

CITY OF ATLANTIC BEACH

_____

Proposed Changes

Curtis Ford, Mayor

Attest:

_____

Donna L. Bartle, City Clerk

Approved as to form and correctness:

_____

Jason Gabriel, City Attorney

CITY OF ATLANTIC BEACH
CITY COMMISSION
STAFF REPORT

AGENDA ITEM: Ordinance No. 95-25-125 amending Chapter 5 (Beaches and Parks), Article III (Public Parks), to add a new section 5-34 establishing rules and regulations for conducting business activities in Public Parks and City facilities.

SUBMITTED BY: Kevin Hogencamp, Deputy City Manager

TODAY'S DATE: May 14, 2025

MEETING DATES: May 27, 2025

SUMMARY: Prudently regulating business activity within city parks and facilities enables local government to ensure that these valuable public resources are used thoughtfully, effectively and equitably for the benefit of the entire community, and that liability is mitigated. At the encouragement of City Commission members, City staff prepared a draft ordinance that was presented for review at the City Commission's Jan. 27 meeting; approved on first reading at the City Commission's Feb. 10 meeting; and reviewed by the Arts, Recreation and Culture Committee at its Feb. 11 meeting; and amended by consensus at the City Commission's April 14 meeting.

Rules and regulations in the form of a policy on business activities in city parks and facilities are included as Exhibit A

Cities regulate business and often prohibit business activity in parks and facilities for many reasons. Among them:

- Mitigating Liability: Prohibiting business activities in parks can mitigate liability for the park's governing body in several ways:
  - Reduced Risk of Injury: Some businesses involve activities that increase the risk of injury to park visitors.
  - Increased Foot Traffic: Businesses can significantly increase foot traffic in a park, potentially leading to overcrowding, congestion, and a higher likelihood of accidents.
  - Safety Standards: Businesses operating within a park may not adhere to the same safety standards as the park itself. This can create inconsistencies in safety measures and increase the risk of accidents.
  - Liability for Business Activities: If a visitor is injured due to the negligence of a business operating within the park, the park's governing body could be held partially liable, even if it did not directly cause the injury.

- Preserving Public Space/Maintaining the Public Purpose: City parks and facilities are intended for the enjoyment and recreation of all citizens. Unrestricted business activity can create:
  - Distraction and Noise: Commercial activities can generate noise, traffic, and other disturbances that disrupt the peaceful and recreational nature of the park.
  - Visual Impact: Businesses may introduce visual clutter and detract from the natural beauty of the park environment.
  - Barriers to access: Commercial activities can make city parks and facilities feel exclusive or unwelcoming to certain groups and take up space needed for passive recreation like walking, picnicking, or simply enjoying nature.

- Protecting the Environment: Parks often contain sensitive ecosystems. Business activities can:
  - Damage natural resources by harming trees, plants, and wildlife habitats.
  - Increase Pollution: Businesses may generate waste, noise, and light pollution that negatively impact the park's ecological integrity.

- Easier to Maintain and Supervise:
  - Reduced Complexity: Prohibiting business activity simplifies park management by reducing the number of entities and activities that need to be monitored and regulated.
  - Improved Enforcement: Clear prohibitions on business activity make it easier to enforce park regulations, mitigate risks, and ensure that the city only approves activities that align with the city's objectives.
  - Lead to conflicts: Competition between businesses and the potential for overcrowding can lead to conflicts within city parks and facilities.

*(* Information sources include: National Recreation and Parks Association: "Parks and Recreation is Essential"; Trout Brook Arborists: "Understanding the Impact of Urban Development on Trees"; Santa Clara University Markkula Center for Applied Ethis: "Public Officials as Fiduciaries"; Health Facility Management magazine: "Regulatory Guidance for Facilities Managers".)*

RECOMMENDATION: Commission adopt Ordinance No. 95-125-25

BUDGET: N.A.

ATTACHMENT: Ordinance No. 95-125-25

CITY MANAGER: 

ORDINANCE NO. 95-25-125

AN ORDINANCE TO AMEND CHAPTER 5 (BEACHES AND PARKS), ARTICLE III (PUBLIC PARKS), TO ADD A NEW SECTION 5-34 ESTABLISHING RULES AND REGULATIONS FOR CONDUCTING BUSINESS ACTIVITIES IN CITY-OWNED PARKS AND FACILITIES; PROVIDING DEFINITIONS; PROVIDING FOR RULES AND REGULATIONS; PROVIDING FOR PROHIBITIONS; PROVIDING FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CONFLICT, SEVERABILITY AND SCRIVENER'S ERRORS; PROVIDING FOR INCORPORATION AND CODIFICATION IN THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Atlantic Beach owns and administers parks and other recreational facilities; and

WHEREAS, the City of Atlantic Beach desires to maintain the integrity and intended use of its parks and its recreation facilities for the enjoyment and benefit of all residents and visitors; and

WHEREAS, the conduct of commercial activities within these public spaces may have an adverse impact on the recreational use, environmental quality, and overall character of such areas; and

WHEREAS, it is necessary to establish clear and consistent guidelines for the approval of business activities within public parks and City facilities and it has been determined that the adoption of this Ordinance is in the best interest of the City and its residents.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH that:

SECTION 1. Code of Ordinances Amended to add a New Section. New Section 5-34 – Business Activities in Public Parks is hereby added to the Code of Ordinances to the City of Atlantic Beach, Florida as follows (and renumber subsequent sections, accordingly):

Sec. 5-34 – Business Activities in Public Parks and City Facilities

(a) **Definitions** For the purposes of this Ordinance, the following definitions shall apply:

- **"Business Activity"** shall mean any activity conducted for profit, including but not limited to: * Sales of goods or services * Solicitation of donations or contributions * Advertising or promotional activities * Use of park or facility for commercial filming or photography * Conducting classes or workshops for profit, tips or donations.

- **"City Manager"** shall mean the City Manager of the City of Atlantic Beach or his/her designee.
- **"Public Park"** shall mean any park, playground, green space, or other public area owned or maintained by the City of Atlantic Beach.
- **"City Facility"** shall mean any building, structure, or other facility owned or maintained by the City of Atlantic Beach including but not limited to City Hall, community centers, and cultural centers.

(b) **Prohibition of Business Activities.** Business Activities are prohibited in all Public Parks and City Facilities, unless as otherwise expressly provided in this Chapter. No person or entity shall conduct any Business Activity in any Public Park or City Facility without first obtaining written approval from the City Manager.

(c) **Limited Approval for Non-Profit Entities and City Partnerships.** The City Manager shall only approve Business Activities in Public Parks or City Facilities conducted by permit, other approval, and/or in partnership with the City.

(d) **City Manager's Authority** The City Manager shall have the administrative authority to do any of the following:

1. Approve or deny any request or application for the conduct of a Business Activity.

2. Impose conditions or restrictions on approved activities.

3. Revoke approval for any Business Activity that violates this Ordinance or any other applicable laws or regulations.

4. Execute agreements for the use of the Public Park or City Facility which includes insurance and indemnifications provisions, as form approved by the City Attorney.

5. Delegate his/her authority regarding these matters.

6. Charge fees to reimburse for public expenditures.

(e) **Appeals of administrative decisions of City Manager.** Appeals of a decision of the city manager may be made to the city commission by any person(s) affected by a decision of the city manager made under authority of this chapter. Such appeal shall be filed in writing with the city clerk within thirty (30) days after the ruling, decision or determination being appealed.

Rules and Regulations The Rules and Regulations in Exhibit A are hereby adopted as policy, and may be updated or amended by the City Manager upon notice to the City Commission.

(f) **Enforcement** Any person or entity that violates this Ordinance shall be subject to a civil penalty of not more than $500 for each violation.

SECTION 2. Incorporation, Codification, Scrivener's Errors, Conflict and Severability.

(a) It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Atlantic Beach, Florida, and that the sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article," or other appropriate word.

(b) The publisher of the City of Atlantic Beach's Code of Ordinances, the Municipal Code Corporation (www.municode.com) is hereby directed to incorporate the revised and amended Code provisions provided herein into the City's Code of Ordinances. Sections of Chapter 5 may be renumbered or re-lettered and scrivener's errors, formatting and typographical errors and other minor, inadvertent graphical errors in Chapter 5 which do not affect the intent may be authorized by the City Manager and City Attorney without the need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

(c) All Ordinances, Resolutions, Code of Ordinances or parts of thereof in conflict herewith are hereby repealed to the extent of such conflict.

(d) If any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of the Ordinance.

SECTION 3. Effective date. This ordinance shall take effect on July 1, 2025.

PASSED by the City Commission on first reading on the 10th day of February 2025.

PASSED AND ADOPTED by the City Commission on second and final reading on the 27th day of May 2025.

ATTEST:

Donna L. Bartle
City Clerk

Curtis Ford
Mayor

Approved as to form and correctness:

Jason Gabriel
City Attorney

EXHIBIT A

CITY OF ATLANTIC BEACH
POLICY DOCUMENT

POLICY TITLE: BUSINESS ACTIVITIES IN CITY PARKS AND FACILITIES

I. PURPOSE

The purposes for this policy include but are not limited to:

- Ensure public safety, health and welfare of all City park and facility users and visitors.
- Guarantee City parks and facilities are available for the benefit of all city citizens.
- Preserve the environmental and recreational nature of the City's parks and care of the City's facilities.
- Set clear rules for permitted business activities in City parks and facilities.
- Protect the city's property and risk, and guarantee uses consistent with City parks and facilities.
- Establish clear rules on the time, place and manner of business activities in City parks and facilities.

II. POLICY STATEMENT

A. **Business Activities**: For this policy ***business activities*** shall mean a course of dealing which requires the time, attention and labor of the person so engaged for the purpose of earning a livelihood or profit. Business activities include, but are not limited to, individual/group instructional services, individual/group coaching and/or individual/group training or educational activities. Such activities imply a continuous and regular course of dealing, rather than an irregular or isolated transaction or event. A person may be engaged in one or more businesses. There is a rebuttable presumption that a person is engaged in a business activity where through advertising or other means one communicates to the public that they are engaged in an activity for a fee and/or one files tax returns, schedules and/or documents that are required only of persons or entities engaged in trade or business.

B. **Business Activities Registration**: For this policy, ***business activities registration*** shall mean the required documentation issued by the City which is evidence of approval to conduct business activities on park land or within a facility owned by the City of Atlantic Beach.

C. Aside from their participation in City-operated or -partnered activities such as markets, festivals and events, no person shall sell or make an offer to sell goods or services within a park or facility owned by the City of Atlantic Beach (hereinafter "park or facility") without first obtaining a business activities registration from the City, paying all required rental and reservation fees, any applicable permit fees, and/or entering into a facilities use agreement where applicable.

D. Business activities registration applications shall be approved or denied by the City Manager or his/her designee.

E. The City shall endeavor to provide comprehensive programing and services for its citizens. When the City seeks to augment services through third-party vendors, or to procure

EXHIBIT A

products or equipment, it shall follow the City of Atlantic Beach's procurement policies.

III. BUSINESS ACTIVITIES REGISTRATION APPLICATIONS

A. **Registration Application Requirements**: The City shall consider applications to use parks and facilities for business activities under the following circumstances:

1. Applicants shall complete a Parks and Recreation Request for Business Activities Registration (hereinafter "Application").
2. By filing out an Application, the Applicant agrees to abide by all requirements, stipulations and pay all fees associated with the potential issuance of a Parks and Recreation business activities registration.
3. The Applicant shall identify the proposed parks or recreation facilitiesy.
4. The Applicant shall identify the proposed times and provide a detailed explanation of the business activities to be conducted.
5. Businesses operating in parks and City parks and facilities are required to remove all equipment and materials at the end of their activity.
6. Additional information may be requested depending on the business activity.

B. Applicants must provide all the above information to be considered for a business activity. If an application is incomplete or the applicant fails to provide all the required information, the City shall deny the request. Upon issuance of a business registration, the Applicant must agree to provide all rental and/or reservations fees applicable to the park or recreation facility identified.

IV. **Evaluation Criteria for Permit Application**: The City shall issue a registration for applications based on the following criteria:

A. The business activity requested must be a recreational or instructional activity that is consistent with the City's desire to support green spaces, active lifestyles, parks, and programming.

B. The applicant must have a City Business License, if required pursuant to City Code.

C. The applicant must have or be able to obtain insurance coverage sufficient to indemnify the City of Atlantic Beach and provide evidence of such insurance to cover all injuries to people or damage to park property.

D. Where the proposed activity may impact health and safety, the applicant must provide credentials including evidence of his/her degrees and/or certifications to provide the services proposed.

E. The applicant's business activities must be consistent with the established uses for the proposed City Park and/or facility.

EXHIBIT A

F. The City may deny applications where the times, the site requested and/or the business activities proposed will interfere or impact the normal access to the park or facility requested. The City shall deny the Application where the number of proposed participants or the size of the space cannot safely accommodate the proposed business activity.

G. The City shall deny proposed business activities that will create a health or safety risk for parks and recreation patrons.

H. The City may deny an Application where some other person or entity has already reserved the proposed park or facility space or where the City already has an ongoing recreational or instructional activity in the identified park or facility at the proposed time and place for the Applicant's business activity.

I. The City shall deny an Application where there is a materially false statement within the Application.

V. REGISTRATION, APPROVAL AND TIMELINE

A. Upon receipt of an Application and any additional documentation requested, City staff shall prepare a summary and Recommendation to approve or deny the application based upon the criteria in Section IV.

B. The City Manager or his/her designee will determine whether to grant or deny a business activities registration pursuant to the evaluation criteria under Section IV. He/she shall identify the basis for a denial of the Application in writing. He/she shall notify the applicant of the intent to issue or deny the registration and upon intent to issue, may at that time ask for documentation of liability insurance and business license.

C. The Applicant shall receive a timely response to applications and notice of intent within a reasonable period not to exceed Twenty (20) business days from the date all requested documentation has been provided to the City of Atlantic Beach.

D. The registration shall be issued upon receipt of completed documentation demonstrating that the applicant has obtained sufficient insurance coverage to indemnify the City of Atlantic Beach and evidence of a business license to conduct business in accordance with City Code, where required under the City Code.

E. Upon issuance of a business activities registration, applicants shall enter into a Facility Use/Rental Agreement, where applicable, and/ or pay such fees as are required to reserve space or conduct business on park land.

CITY OF ATLANTIC BEACH
CITY COMMISSION MEETING
STAFF REPORT

AGENDA ITEM: Ordinance No. 5-25-71 codifying the establishment of the Arts, Recreation and Culture Committee, changing some provisions, and adding some provisions

SUBMITTED BY: William B. Killingsworth, City Manager

TODAY'S DATE: May 15, 2025

MEETING DATE: May 27, 2025

BACKGROUND: The City Commission approved Ordinance No. 5-25-71 on first read on February 10. In addition to codifying the establishment of the Arts, Recreation and Culture Committee, the ordinance approved on first read increased the committee's membership to nine members and quorum requirement to five members; and limited the committee to two meetings per month unless the city manager or his/her designee calls for additional meetings.

Subsequent meetings and discussions including the City Commission, the Arts, Recreation and Culture Committee, the Environmental Stewardship Committee (ESC), and staff have led to proposed revisions. Key changes being proposed since the ordinance's approval on first read are:

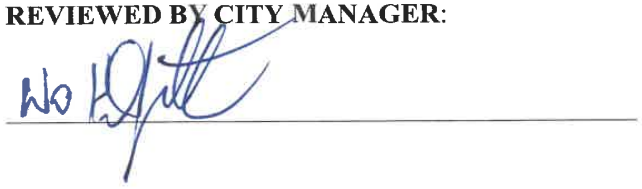
- **Committee Composition:** This verbiage is added in Section 5-43 (e) Composition: "(5) Experience with activities, programs, or events related to arts, culture, recreation, education, history, and other content under the scope of ARCC as designated by this ordinance; or with design, planning, implementation, promotion, or evaluation of such activities, programs, or events."
- **Annual Workshop and Priorities**: An annual workshop between the Commission and the ARCC is now mandated. The City Commission shall approve the committee's work plan.
- **Quorum and Voting**: A quorum requires a majority of filled seats, and decisions will be made based on a majority of filled seats.
- **Member Attendance**: The criteria for removal due to lack of attendance have been updated to include missing three meetings within a three-month period.

BUDGET: None

RECOMMENDATION: Review and consider approving Ordinance No. 5-25-71

ATTACHMENT(S): Ordinance No. 5-25-71 (Approved on First Reading)
Ordinance No. 5-25-71 (Proposed Changes)
Resolution No. 22-52

REVIEWED BY CITY MANAGER:



ORDINANCE NO. 5-25-71

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ATLANTIC BEACH, FLORIDA, REPEALING PORTIONS OF PREVIOUS RESOLUTIONS REGARDING THE CREATION OF THE ARTS, RECREATION, AND CULTURE COMMITTEE; CHANGING THE TITLE OF CHAPTER 5 TO BEACHES, PARKS AND RECREATION WITH THE PURPOSE OF ESTABLISHING PROVISIONS GOVERNING THE ARTS, RECREATION, AND CULTURE COMMITTEE INCLUDING: PURPOSE; MEMBERSHIP; TERMS OF MEMBERSHIP; FILLING OF VACANCIES; REMOVAL OF MEMBERS; DUTIES AND RESPONSIBILITIES; CITY STAFF ADMINISTRATIVE SUPPORT; PROCEDURES AND RULES; ORGANIZATION OF OFFICERS AND LIABILITY TO CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Resolution No. 02-13 creating a Cultural Arts and Recreation Advisory Committee (CARAC); and

WHEREAS, the provisions of Resolution No. 02-13 were amended by Resolutions 03-05, 10-08, 18-32, 18-51, 19-68, and those Resolutions were repealed by Resolution No. 22-52, except for provisions of Resolution No. 18-32, 18-51 and 19-68 pertaining to the Teen Council; and the committee was renamed the Arts, Recreation, and Culture Committee; and

WHEREAS, the City Commission desires to codify the establishment of the Arts Recreation, and Culture Committee by ordinance and provide for board and committee standardization.

NOW, THEREFORE, BE ENACTED BY THE CITY COMMISSION ON BEHALF OF THE PEOPLE OF THE CITY OF ATLANTIC BEACH, FLORIDA:

SECTION 1. Purpose and Intent. The purpose and intent of this Ordinance are to standardize city boards and committees to improve efficiency and productivity.

SECTION 2. Repeal of Resolution No. 22-52.

The City Commission hereby repeals all provisions of Resolution No. 22-52; provided, however, the following provisions of Resolution Numbers 18-32, 18-51 and 19-68, pertaining to the Teen Council are expressly retained:

> Section 2 of Resolution No. 18-32, as modified in Section 2 of Resolution No. 18-51 and as further modified in Section 2 of Resolution No. 19-68, provided all references to CARAC in each said Sections 2 shall henceforth mean the Arts, Recreation, and Culture Committee.

SECTION 3. Amend and New Article. Amend the title of Chapter 5 from Beaches and Parks to Beaches, Parks, and Recreation creating a new Article V, Recreation, Sections 5-40 thru 5-44 of

Proposed Changes

the Code of Ordinances is hereby amended as follows:

ARTICLE V. - ARTS, RECREATION, AND CULTURE COMMITTEE

Sec. 5-40. - Purpose.

The purpose of the Arts, Recreation, and Culture Committee (ARCC) is to propose, plan, promote and review artistic, recreational and cultural programs, exhibits, events, and projects for the citizens of Atlantic Beach; and to make recommendations pertaining to programming in and stewardship of active parks. The Committee is advisory only and exists for the purpose of providing advice related to arts, recreation, and culture to the City Commission regarding the most efficient and effective ways to spend limited tax dollars for the maximum benefit of the community. The Committee shall propose a diverse variety of activities related to arts, sports and leisure, culture, education, history, enrichment, and social engagement to benefit citizens in all areas of Atlantic Beach.

Sec. 5-41. - Duties and responsibilities.

(a) The Arts, Recreation, and Culture Committee shall provide guidance ~~and~~ support, and suggest priorities and projects to the City Commission and City Manager. The City Commission will have an annual joint Commission and ARCC workshop to discuss the committee's priorities, suggested projects, and annual workplan. ~~Upon request by the City Commission or City Manager, shall provide written recommendations on questions of general policy for City venues related to~~ The City Commission will prioritize the committee's work plan related to these recommendations: art, sports and leisure, culture, education, and history programs; programs related to the City's artistic, recreational and cultural grant program; youth leadership program(s); calendar of events, matters of communication, equity and gaps in programming and accessibility; community center needs; and special projects as requested by staff or the City Commission. The City Commission will prioritize the committee's work plan related to these recommendations.

(b) The Committee performs a key role in the City's annual artistic, recreational, and cultural grant program by: proposing grant program guidelines to the City Commission; reviewing grant applications; and providing advice regarding grant awards

Proposed Changes

annually to the City Commission based on approved grant program guidelines, City Commission priorities and the needs of the community and community center programs.

(c) The Committee shall review requests for City funding for artistic, recreational and cultural programs, events, and projects, and advise the City Commission as to which are in line with City Commission priorities.

(d) The Committee shall perform a key role by reviewing and advising the City Manager or his/her designee and/or the City Commission on the inventory of programs, special events, and youth leadership program(s) administered by the City, their effectiveness, and the budget to support them, in line with Commission priorities.

(e) The Committee may be asked to advise the City Commission on any new recreation facilities under consideration by the City Commission, in line with City Commission priorities.

(f) The Committee shall request and review a report of activities from the directors of the City's community centers to the Committee at least annually.

(g) The Committee shall provide a report of its activities to the City Commission at least twice yearly. All advisory positions and statements of the Committee shall be adopted via official action of the Committee and shall be provided to the City Commission by City staff or the Committee Chair (or his/her designee) for review.

Sec. 5-42. - City staff administrative support.

(a) Staff will be assigned by the City Manager or designee to provide technical and administrative support. Staff will assist the Committee by preparing budgets, proper notice and minutes of meetings, and other administrative and technical services, as needed. The minutes will be filed in the City Clerk's office.

(b) Staff will be responsible for the collection and expenditure of any City funds in accordance with purchasing guidelines.

Sec. 5-43. - Membership, terms, appointments, geographic requirements, composition.

(a) *Membership.* The committee shall consist of nine (9) members. The majority of filled seats ~~Five (5) members~~ of the committee shall constitute a quorum.~~, although a smaller number may meet without taking official action.~~ Regardless of the number of

Proposed Changes

committee members in attendance, it shall take an action of the majority of the seats filled ~~needs at least five (5) votes~~ in the affirmative to pass or fail an item. No member of the committee shall hold any other public office ~~or elected position.~~ in violation of Article II Section 5(a), Flordia Constitution.

(b) Terms. All members shall serve three-year terms. Members shall not serve more than ~~two (2)~~ three (3) consecutive three-year terms on the committee. All terms shall expire on December 31 of the proper year, provided, however, that members whose terms expire shall continue to serve until replacement appointments are effective. Any committee member who wishes to resign should submit a letter of resignation to the chairman and city clerk. Any vacancy during the unexpired term of an appointed member shall be filled for the remainder of the term. Should the length of the unexpired term be less than one (1) year, then such appointment shall not count towards the maximum number of consecutive terms.

(c) Appointments. Committee members shall be ~~appointed~~ recommended by the board members review committee and shall be approved by commission.

(d) Geographic requirements. There shall be at least one (1) member representing each city district on the Ceommittee. Each committee member must be a full-time resident of the city or own real property in the city. For the purpose of this section, full time residency shall be defined as the person's principal place of abode. Any member must immediately notify the city manager, city clerk, and chair in writing upon no longer meeting the membership qualifications.

(e) Composition. To the extent possible, committee members should demonstrate at least one (1) of the following skills, experience, expertise, educational background or interests:

(1) Experience in the arts, such as art history, architecture, design or park design

(2) Experience in promoting or designing cultural activities

(3) Experience in promoting or designing recreational activities

(4) Experience in community engagement, such as public arts projects or community outreach

(5) Experience with activities, programs, or events related to arts, culture, recreation, education, history, and other content under the scope of ARCC as designated by this ordinance; or with design, planning, implementation, promotion, or evaluation of such activities, programs, or events.

(f) Procedures and Rules; Organization of Officers.

(1.) The Committee shall schedule no more than two (2) monthly meetings in the City Commission Chamber or other public venues.

Proposed Changes

(2.) Special meetings may be called by the city manager or designee, with at least a forty-eight (48) hour public notice.

(3) All meetings of the Committee shall be properly noticed and open to the public.

(4) The Committee and each member shall comply with the Florida Government in the Sunshine Law, Florida Code of Ethics for Public Officers and Employees, Florida Public Records Law, and related provisions of the City's Code of Ordinances and applicable resolutions, as may be amended from time to time.

(5) The Committee shall elect a chair and vice chair at the regularly scheduled meeting in January each year.

(6) In all cases involving points of parliamentary law, "Robert's Rules of Order" shall be the book of reference, and its rules, so far as they are applicable and not in conflict with the provisions of the city's Charter, Code, or other city ordinances, shall be the rules of this Committee.

(7) The Committee shall not create subcommittees.

(g) *Removal of members.* Any member on the committee may be removed for cause by the city commission upon written charges and after public meeting. Any member who fails to attend three (3) ARCC meetings in three (3) consecutive ~~meetings~~ months without prior notice to the director of planning and community development or his/her designee and without reasonable cause shall have their seat declared vacant by the committee. The vacancy shall be promptly reported to the city clerk and filled by the city commission.

Sec 5-44. Liability to City.

The City Commission shall consider the advisory statements for funding of events proposed by the Committee, but nothing in this section or otherwise shall be construed as authorizing or empowering the Committee to impose any liability of any nature, financial or otherwise, upon the City, without City approval.

SECTION 4. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 5. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 6 Scrivener's errors. Staff or the publisher of the City of Atlantic Beach's Code of Ordinances, the Municipal Code Corporation (www.municode.com) is hereby directed to incorporate the revised and amended Code provisions provided herein into the City's Code of Ordinances. Sections of Chapter 23 may be re-numbered or re-lettered and scrivener's errors, formatting and typographical errors and other minor, inadvertent graphical errors which do not

Proposed Changes

affect the intent may be authorized by the City Manager and City Attorney without the need of public hearing, by filing a corrected or re-codified copy of the same with the City Clerk.

SECTION 76. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED by the City Commission on first reading this __10th__ day of __February_____, 2025.

PASSED by the City Commission on second and final reading this ____ day of _____, 2025.

_____
Curtis Ford, Mayor

Attest:

_____
Donna L. Bartle, City Clerk

Approved as to form and correctness:

_____
Jason Gabriel, City Attorney

Proposed Changes

the Code of Ordinances is hereby amended as follows:

ARTICLE V. - ARTS, RECREATION, AND CULTURE COMMITTEE

Sec. 5-40. - Purpose.

The purpose of the Arts, Recreation, and Culture Committee (ARCC) is to propose, plan, promote and review artistic, recreational and cultural programs, exhibits, events, and projects for the citizens of Atlantic Beach; and to make recommendations pertaining to programming in and stewardship of active parks. The Committee is advisory only and exists for the purpose of providing advice related to arts, recreation, and culture to the City Commission regarding the most efficient and effective ways to spend limited tax dollars for the maximum benefit of the community. The Committee shall propose a diverse variety of activities related to arts, sports and leisure, culture, education, history, enrichment, and social engagement to benefit citizens in all areas of Atlantic Beach.

Sec. 5-41. - Duties and responsibilities.

(a) The Arts, Recreation, and Culture Committee shall provide guidance ~~and~~ support, and suggest priorities and projects to the City Commission and City Manager. The City Commission will have an annual joint Commission and ARCC workshop to discuss the committee's priorities, suggested projects, and annual workplan.~~Upon request by the City Commission or City Manager, shall provide written recommendations on questions of general policy for City venues related to~~ The City Commission will prioritize the committee's work plan related to these recommendations: art, sports and leisure, culture, education, and history programs; programs related to the City's artistic, recreational and cultural grant program; youth leadership program(s); calendar of events, matters of communication, equity and gaps in programming and accessibility; community center needs; and special projects as requested by staff or the City Commission. The City Commission will prioritize the committee's work plan related to these recommendations.

(b) The Committee performs a key role in the City's annual artistic, recreational, and cultural grant program by: proposing grant program guidelines to the City Commission; reviewing grant applications; and providing advice regarding grant awards

Proposed Changes

annually to the City Commission based on approved grant program guidelines, City Commission priorities and the needs of the community and community center programs.

(c) The Committee shall review requests for City funding for artistic, recreational and cultural programs, events, and projects, and advise the City Commission as to which are in line with City Commission priorities.

(d) The Committee shall perform a key role by reviewing and advising the City Manager or his/her designee and/or the City Commission on the inventory of programs, special events, and youth leadership program(s) administered by the City, their effectiveness, and the budget to support them, in line with Commission priorities.

(e) The Committee may be asked to advise the City Commission on any new recreation facilities under consideration by the City Commission, in line with City Commission priorities.

(f) The Committee shall request and review a report of activities from the directors of the City's community centers to the Committee at least annually.

(g) The Committee shall provide a report of its activities to the City Commission at least twice yearly. All advisory positions and statements of the Committee shall be adopted via official action of the Committee and shall be provided to the City Commission by City staff or the Committee Chair (or his/her designee) for review.

Sec. 5-42. - City staff administrative support.

(a) Staff will be assigned by the City Manager or designee to provide technical and administrative support. Staff will assist the Committee by preparing budgets, proper notice and minutes of meetings, and other administrative and technical services, as needed. The minutes will be filed in the City Clerk's office.

(b) Staff will be responsible for the collection and expenditure of any City funds in accordance with purchasing guidelines.

Sec. 5-43. - Membership, terms, appointments, geographic requirements, composition.

(a) *Membership.* The committee shall consist of nine (9) members. The majority of filled seats ~~Five (5) members~~ of the committee shall constitute a quorum.~~, although a smaller number may meet without taking official action.~~ Regardless of the number of

Proposed Changes

committee members in attendance, it shall take an action of the majority of the seats filled ~~needs at least five (5) votes~~ in the affirmative to pass or fail an item. No member of the committee shall hold any other public office ~~or elected position.~~ in violation of Article II Section 5(a), Flordia Constitution.

(b) Terms. All members shall serve three-year terms. Members shall not serve more than ~~two (2)~~ three (3) consecutive three-year terms on the committee. All terms shall expire on December 31 of the proper year, provided, however, that members whose terms expire shall continue to serve until replacement appointments are effective. Any committee member who wishes to resign should submit a letter of resignation to the chairman and city clerk. Any vacancy during the unexpired term of an appointed member shall be filled for the remainder of the term. Should the length of the unexpired term be less than one (1) year, then such appointment shall not count towards the maximum number of consecutive terms.

(c) Appointments. Committee members shall be ~~appointed~~ recommended by the board members review committee and shall be approved by commission.

(d) Geographic requirements. There shall be at least one (1) member representing each city district on the Ceommittee. Each committee member must be a full-time resident of the city or own real property in the city. For the purpose of this section, full time residency shall be defined as the person's principal place of abode. Any member must immediately notify the city manager, city clerk, and chair in writing upon no longer meeting the membership qualifications.

(e) Composition. To the extent possible, committee members should demonstrate at least one (1) of the following skills, experience, expertise, educational background or interests:

(1) Experience in the arts, such as art history, architecture, design or park design

(2) Experience in promoting or designing cultural activities

(3) Experience in promoting or designing recreational activities

(4) Experience in community engagement, such as public arts projects or community outreach

(5) Experience with activities, programs, or events related to arts, culture, recreation, education, history, and other content under the scope of ARCC as designated by this ordinance; or with design, planning, implementation, promotion, or evaluation of such activities, programs, or events.

(f) Procedures and Rules; Organization of Officers.

(1.) The Committee shall schedule no more than two (2) monthly meetings in the City Commission Chamber or other public venues.

Proposed Changes

(2.) Special meetings may be called by the city manager or designee, with at least a forty-eight (48) hour public notice.

(3) All meetings of the Committee shall be properly noticed and open to the public.

(4) The Committee and each member shall comply with the Florida Government in the Sunshine Law, Florida Code of Ethics for Public Officers and Employees, Florida Public Records Law, and related provisions of the City's Code of Ordinances and applicable resolutions, as may be amended from time to time.

(5) The Committee shall elect a chair and vice chair at the regularly scheduled meeting in January each year.

(6) In all cases involving points of parliamentary law, "Robert's Rules of Order" shall be the book of reference, and its rules, so far as they are applicable and not in conflict with the provisions of the city's Charter, Code, or other city ordinances, shall be the rules of this Committee.

(7) The Committee shall not create subcommittees.

(g) *Removal of members.* Any member on the committee may be removed for cause by the city commission upon written charges and after public meeting. Any member who fails to attend three (3) ARCC meetings in three (3) consecutive ~~meetings~~ months without prior notice to the director of planning and community development or his/her designee and without reasonable cause shall have their seat declared vacant by the committee. The vacancy shall be promptly reported to the city clerk and filled by the city commission.

Sec 5-44. Liability to City.

The City Commission shall consider the advisory statements for funding of events proposed by the Committee, but nothing in this section or otherwise shall be construed as authorizing or empowering the Committee to impose any liability of any nature, financial or otherwise, upon the City, without City approval.

SECTION 4. Conflict. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 5. Severability. If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 6 Scrivener's errors. Staff or the publisher of the City of Atlantic Beach's Code of Ordinances, the Municipal Code Corporation (www.municode.com) is hereby directed to incorporate the revised and amended Code provisions provided herein into the City's Code of Ordinances. Sections of Chapter 23 may be re-numbered or re-lettered and scrivener's errors, formatting and typographical errors and other minor, inadvertent graphical errors which do not

Proposed Changes

affect the intent may be authorized by the City Manager and City Attorney without the need of public hearing, by filing a corrected or re-codified copy of the same with the City Clerk.

SECTION 76. Effective Date. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED by the City Commission on first reading this __10th__ day of __February_____, 2025.

PASSED by the City Commission on second and final reading this ____ day of _____, 2025.

_____
Curtis Ford, Mayor

Attest:

_____
Donna L. Bartle, City Clerk

Approved as to form and correctness:

_____
Jason Gabriel, City Attorney

RESOLUTION NO. 22-52

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ATLANTIC BEACH, FLORIDA, REPEALING PORTIONS OF PREVIOUS LEGISLATION REGARDING THE CULTURAL ARTS AND RECREATION ADVISORY COMMITTEE; RENAMING SAID COMMITTEE TO THE ARTS, RECREATION, AND CULTURE COMMITTEE; ADOPTING NEW PROVISIONS GOVERNING THE COMMITTEE INCLUDING: PURPOSE; MEMBERSHIP; TERMS OF MEMBERSHIP; FILLING OF VACANCIES; REMOVAL OF MEMBERS; DUTIES AND RESPONSIBILITIES; CITY STAFF ADMINISTRATIVE SUPPORT; PROCEDURES AND RULES; ORGANIZATION OF OFFICERS AND LIABILITY TO CITY; PROVIDING FOR CONTINUITY OF CURRENT COMMITTEE MEMBERS AND TERMS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission adopted Resolution No. 02-13 creating a Cultural Arts and Recreation Advisory Committee (CARAC); and

WHEREAS, the provisions of Resolution No. 02-13 have been amended by Resolutions 03-05, 10-08, 18-32, 18-51, and 19-68; and

WHEREAS, the Cultural Arts and Recreation Advisory Committee has recommended substantial revisions to these governing Resolutions.

NOW THEREFORE, be it resolved by the City Commission of the City of Atlantic Beach, Florida:

SECTION 1. Repeal of Resolution Numbers 02-13, 03-05, and 10-08, and repeal in part of Resolution Numbers 18-32, 18-51 and 19-68.

The City Commission hereby repeals all provisions of Resolution Numbers 02-13, 03-05, 10-08, 18-32, 18-51 and 19-68; provided, however, the following provisions of Resolution Numbers 18-32, 18-51 and 19-68, pertaining to the Teen Council are expressly retained:

> Section 2 of Resolution No. 18-32, as modified in Section 2 of Resolution No. 18-51 and as further modified in Section 2 of Resolution No. 19-68, provided all references to CARAC in each said Sections 2 shall henceforth mean the Arts, Recreation, and Culture Committee.

SECTION 2. Adoption of New Provisions and New Committee Name.

The City Commission hereby approves the name change from the Cultural Arts and Recreation Advisory Committee to the Arts, Recreation, and Culture Committee ("ARCC") and hereby adopts the following provisions regarding the Arts, Recreation, and Culture Committee:

ARTS, RECREATION, AND CULTURE COMMITTEE

1. **Purpose.**

The purpose of the Arts, Recreation, and Culture Committee ("ARCC" or "Committee"), previously named the Cultural Arts and Recreation Advisory Committee ("CARAC"), is to propose, plan, promote and review artistic, recreational and cultural programs, exhibits, events, and projects for the citizens of Atlantic Beach. The Committee is advisory only and exists for the purpose of providing advice related to arts, recreation and culture to the City Commission regarding the most efficient and effective ways to spend limited tax dollars for the maximum benefit of the community. The Committee shall propose a diverse variety of activities related to arts, sports and leisure, culture, education, history, enrichment, and social engagement to benefit citizens in all areas of Atlantic Beach.

2. **Membership.**

There shall be a total of seven (7) Committee members with one (1) alternate member, all appointed by the City Commission, and all of whom shall be bona fide residents of Atlantic Beach. The alternate member is strongly encouraged to attend every meeting and shall be allowed to vote and participate in ARCC business in the absence of one or more regular Committee members.

3. **Terms of members; filling of vacancies.**

The terms of office shall be for three (3) years and members may serve a maximum of three (3) consecutive terms. All terms shall expire on December 31 of the proper year, provided, however, that members whose terms expire shall continue to serve until replacement appointments are effective. Members of this Committee may hold a public office or other appointed position in the City, provided the powers and authority of this Committee remain advisory only. A member may choose to resign from the Committee at any time by giving written notice to the City Clerk. Any vacancy during the unexpired term of a member shall be filled by the alternate member automatically for the remainder of the term, unless the alternate member declines the position, in which case the vacant position will be filled by the City Commission. Should the length of the unexpired term

be less than one (1) year, then such appointment shall not count towards the maximum number of consecutive terms.

4. **Removal of members.**

Any Committee member may be removed for cause by the City Commission upon written charges and after public hearing. Any member who fails to attend three (3) consecutive meetings without notice to the Director of the Parks and Recreation Department or his/her designee and without reasonable cause may have his/her office declared vacant by the Committee. The Committee chair shall notify the City Clerk of such vacancy, and the City Commission shall promptly fill such vacancy.

5. **Duties and Responsibilities.**

(a) The Committee advises the City Commission on questions of general policy for City venues related to: art, sports and leisure, culture, education, and history programs; programs related to the City's artistic, recreational and cultural grant program; youth leadership program(s); calendar of events, matters of communication, equity and gaps in programming and accessibility; community center needs; and special projects as requested by staff or the City Commission.

(b) Working collectively, the Committee shall coordinate with staff on any needs, assessments, goals and/or program reviews within its mission; and, when appropriate, bring matters of public interest to the Director of the Parks and Recreation Department, the City Manager and/or the City Commission.

(c) The Committee performs a key role in the City's annual artistic, recreational and cultural grant program by: proposing grant program guidelines to the City Commission; reviewing grant applications; and providing advice regarding grant awards annually to the City Commission based on approved grant program guidelines, City Commission priorities and the needs of the community and community center programs.

(d) The Committee shall review request for City funding for artistic, recreational and cultural programs, events, and projects, and advise the City Commission as to which are in line with City Commission priorities.

(e) The Committee shall perform a key role by reviewing and advising the Parks and Recreation Department, the City Manager and/or the City Commission on the inventory of programs, special events, and youth leadership program(s) administered by the Parks and Recreation Department, their effectiveness, and the budget to support them, in line with Commission priorities.

(f) The Committee may be asked to advise the City Commission on any new recreation facilities under consideration by the City Commission, in line with City Commission priorities.

(g) The Committee shall request and review a report of activities from the directors of the City's community centers to the Committee at least annually.

(h) The Committee shall provide a report of its activities to the City Commission at least twice yearly. All advisory positions and statements of the Committee shall be adopted via official action of the Committee and shall be provided to the City Commission by City staff or the Committee Chair (or his/her designee) for review.

6. **City Staff Administrative Support.**

(a) Staff will be assigned by the City Manager to provide technical and administrative support. Staff will assist the Committee by preparing budgets, proper notice of and minutes of meetings, and other administrative and technical services, as needed.

(b) Staff will be responsible for the collection and expenditure of any City funds in accordance with purchasing guidelines.

7. **Procedures and Rules; Organization of Officers.**

(a) The Committee shall hold its regularly-scheduled meetings on the second Tuesday of each month at 6:00 p.m. in the City Commission chambers or other public venue.

(b) Special meetings may be called by the chair or a majority of the members.

(c) All meetings of the Committee shall be properly noticed and open to the public. Minutes of all meetings shall be recorded by City Staff and maintained by the City Clerk.

(d) The Committee and each member shall comply with the Florida Government in the Sunshine Law, Florida Code of Ethics for Public Officers and Employees, Florida Public Records Law, and related provisions of the City's Code of Ordinances and applicable resolutions, as may be amended from time to time.

(e) The Committee quorum is four members. Any official acts by the Committee shall require a majority vote of the members present; however, the Committee shall take no official action unless a quorum is present at a meeting.

(f) The Committee shall elect a chair, vice chair, and any other officers it deems advisable from among the regular members at the regularly-scheduled meeting in January each year.

(g) The chair shall preside at all meetings of the Committee. In the temporary absence or disability of the chair, all duties of the chair shall be performed by the vice chair.

(h) In all cases involving points of parliamentary law, "Robert's Rules of Order" shall be the book of reference, and its rules, so far as they are applicable and not in conflict with the provisions of the city's Charter, Code, or other city ordinances, shall be the rules of this Committee. The Committee may draft additional rules to govern the conduct of their business, which shall be approved by the City Commission.

(i) The Committee shall not create subcommittees.

8. **Liability to City.**

The City Commission shall consider the advisory statements for funding of events proposed by the Committee, but nothing in this Resolution or otherwise shall be construed as authorizing or empowering the Committee to impose any liability of any nature, financial or otherwise, upon the City, without City approval.

SECTION 3. Continuity of Current Committee Members and Terms.

Members currently serving on CARAC shall automatically continue to serve on the ARCC for the remainder of their terms. Service on CARAC by current members shall count towards the maximum number of consecutive terms.

SECTION 4. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED by the City of Atlantic Beach, Florida , this 14th day of November, 2022.

Ellen Glasser, Mayor

Attest:

Donna L. Bartle, City Clerk

Approved as to form and correctness:

Brenna M. Durden, City Attorney

CITY OF ATLANTIC BEACH
CITY COMMISSION MEETING
STAFF REPORT

AGENDA ITEM: Reappointments and Appointments to Environmental Stewardship Committee (ESC)

SUBMITTED BY: Donna L. Bartle, City Clerk

DATE: May 19, 2025

MEETING DATE: May 27, 2025

BACKGROUND: The Board Member Review Committee (BMRC) met on May 15, 2025 to address vacancies on the Environmental Stewardship Committee (ESC). With approval of Ordinance No. 95-25-124 still pending, the Committee was asked to recommend reappointments and appointments based on both the current membership of eleven (11) and the proposed membership of nine (9). Vacancies for both scenarios are as follows:

	Vacancies based on 11 members				
First Name	Last Name	Position	Start Term	End Term	District
Anastasia	Houston	ESC Member 1 - At Large Member	1/1/2022	*12/31/2024	1306
Amy	Palmer	ESC Member 2 - At Large Member	1/1/2022	*12/31/2024	1306
Todd	Miner	ESC Member 3 - At Large Member	1/1/2024	12/31/2026	1308
Vacant		ESC Member 4 - At Large Member	Unexpired term	12/31/2027	
Vacant		ESC Member 5- District 1307 Member	Unexpired term	12/31/2027	
Vacant		ESC Member 6 - At Large Member	Unexpired term	12/31/2026	
Daniele	Giovannucci	ESC Member 7 - At Large Member	1/1/2024	12/31/2026	1306
Vacant		ESC Member 8 - At Large Member	Unexpired term	12/31/2027	
Vacant		ESC Member 9 - District 1312 Member	Unexpired term	12/31/2026	
Sarah	Boren	ESC Member 10 - District 1306 Member	1/1/2024	12/31/2026	1306
Bruce	Andrews	ESC Member 11 - District 1308 Member	1/1/2024	12/31/2026	1306

*Member continuing until appointment/reappointment is made. Unexpired Term ends 12/31/2027.

Vacancies based on 9 members					
First Name	Last Name	Position	Start Term	End Term	District
Anastasia	Houston	ESC Member 1	1/1/2025	12/31/2027	1306
Amy	Palmer	ESC Member 2	1/1/2025	12/31/2027	1306
Todd	Miner	ESC Member 3	1/1/2024	12/31/2026	1308
Sarah	Boren	**ESC Member 4	1/1/2024	12/31/2026	1306
Vacant		ESC Member 5	Unexpired term	12/31/2027	1307
Bruce	Andrews	**ESC Member 6	1/1/2024	12/31/2026	1308
Daniele	Giovannucci	ESC Member 7	1/1/2024	12/31/2026	1306
Vacant		ESC Member 8	Unexpired term	12/31/2027	Any
Vacant		ESC Member 9	Unexpired term	12/31/2026	1312

**Member number changed due to decrease in membership.

The Committee made recommendations to:

- Reappoint Anastasia Houston and Amy Palmer to an additional term.
- Appoint Jeannie Gracy to District 1307 vacancy.
- Appoint Amy Franqui to the District 1312 vacancy.

Also, to accommodate up to three (3) "At-Large" vacancies, the Committee ranked the remaining candidates and provided their top three, in ranking order, as follows:

- Christina Kelcourse as #1 for At-Large.
- Dan Frankel as #2 for At-Large
- Lauren Bauder as #3 for At-Large

BUDGET: There is no budget impact.

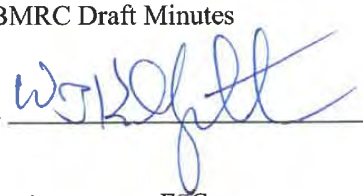
RECOMMENDATION: Depending on the outcome of Ordinance No. 95-25-124, choose the applicable table below and reappoint and appoint members as shown.

*Reappointments/Appointments based 9 members					
First Name	Last Name	Position	Start Term	End Term	District
*Anastasia	Houston	ESC Member 1	1/1/2025 (Immediately)	12/31/2027	1306
*Amy	Palmer	ESC Member 2	1/1/2025 (Immediately)	12/31/2027	1306
Jeannie	Gracy	ESC Member 5	Immediately	12/31/2027	1307
Christina	Kelcourse	ESC Member 8	Immediately	12/31/2027	1306
Amy	Franqui	ESC Member 9	Immediately	12/31/2026	1312

*Reappointments/Appointments based 11 members					
First Name	Last Name	Position	Start Term	End Term	District
*Anastasia	Houston	ESC Member 1	1/1/2025 (Immediately)	12/31/2027	1306
*Amy	Palmer	ESC Member 2	1/1/2025 (Immediately)	12/31/2027	1306
Dan	Frankel	ESC Member 4	Immediately	12/31/2027	1306
Jeannie	Gracy	ESC Member 5	Immediately	12/31/2027	1307
Lauren	Bauder	ESC Member 6	Immediately	12/31/2026	1312
Christina	Kelcourse	ESC Member 8	Immediately	12/31/2027	1306
Amy	Franqui	ESC Member 9	Immediately	12/31/2026	1312

LINK: May 15, 2025, BMRC Amended Agenda Packet

ATTACHMENTS: May 15, 2025, BMRC Draft Minutes

REVIEWED BY CITY MANAGER 

CITY OF ATLANTIC BEACH
WAIVER HEARING PROCEDURES
WAIV25-0002 (170 Club Drive)

Quasi-judicial proceedings, such as rezonings, uses by exception, variances and waiver requests, are not controlled by strict rules of evidence and procedure, but certain standards of basic fairness must be adhered to in order to afford due process. In quasi-judicial hearings, the parties must be able to present evidence, cross-examine witnesses and be informed of all of the facts upon which the Commission acts. The hearing must be fair and impartial and contain the following requirements:

- Notice
- Quasi-judicial hearings can be very informal. The record must be made at the hearing and the parties must be able to comment on the evidence or to introduce contrary evidence
- Written decision. The decision must be based on the record as it is produced at the hearing and should include an analysis of the applicable statutes, ordinances, regulations and policies as well as the facts
- Fairness protections require an unbiased decision maker and decisions are to be based on information presented at the hearing and made a part of the record

Suggested Procedure for Waiver Hearing, WAIV25-0002

- Mayor to Open Hearing
- City Attorney – Procedural reminders/correspondence made part of record/swearing in of staff, applicant and any person(s) wanting to testify before Commission on this matter.
- Disclosure by the Commission members of any ex parte communications (per Resolution 95-26, each Commissioner must disclose the subject of the communication and the identity of the person, group or entity who made the communication before final action).
- Staff presents an overview of the subject matter and timeline of the application.
- Applicant, and/or Applicant's legal counsel, present the request and support for approving the waiver request and Applicant's witnesses, if any, make presentations.
- Public comments – 3 or 5 minutes, depending on number of speaker cards submitted to Clerk.
- Closing comments/rebuttal by Applicant (may include cross-examination if requested).
- Commission deliberation and action, based on provisions set forth in Section 24-190, Land Development Regulations, Waivers, which will be memorialized in the writing.
- Commission shall review the recommendation made by the Community Development Board.
- Commission may approve, approve with conditions or deny the waiver request.
- Per Section 24-66, The city commission shall not approve a waiver unless:
  (1) Compliance with such provision(s) would be unreasonable; or
  (2) Compliance with such provision(s) are in conflict with the public interest; or
  (3) Compliance with such provision(s) are a practical impossibility.

(c) A waiver shall not modify any requirement or term customarily considered as a variance.

(d) A waiver shall be considered only in cases where alternative administrative procedures are not set forth within the city Code of Ordinances.

(e) A waiver from the land development regulations may be approved only upon showing of good cause, and upon evidence that an alternative to a specific provision(s) of this chapter shall be provided, which conforms to the general intent and spirit of these land development regulations. In considering any request for a waiver from these land development regulations, the city commission may require conditions as appropriate to ensure that the intent of these land development regulations is enforced.

REFERENCED CODE SECTIONS

Sec. 24-66. - Waiver.

(a) General. Except for those waivers authorized by section 24-190, where the city commission finds that undue hardship due to unreasonable practical difficulties may result from strict compliance with this chapter, the city commission may approve a waiver.

(b) Conditions of waiver. An applicant seeking a waiver shall submit to the city commission a written request for the waiver stating the reasons for the waiver and the facts, which support the waiver. The city commission shall not approve a waiver unless:

(1) Compliance with such provision(s) would be unreasonable; or

(2) Compliance with such provision(s) are in conflict with the public interest; or

(3) Compliance with such provision(s) are a practical impossibility.

(c) A waiver shall not modify any requirement or term customarily considered as a variance.

(d) A waiver shall be considered only in cases where alternative administrative procedures are not set forth within the city Code of Ordinances.

(e) A waiver from the land development regulations may be approved only upon showing of good cause, and upon evidence that an alternative to a specific provision(s) of this chapter shall be provided, which conforms to the general intent and spirit of these land development regulations. In considering any request for a waiver from these land development regulations, the city commission may require conditions as appropriate to ensure that the intent of these land development regulations is enforced.

REFERENCED CODE SECTIONS IN STAFF REPORT

Sec. 19-1. - Construction within and/or use of city rights-of-way.

(a) Except as expressly set forth below in article II of this chapter regulating utilities, and in article III of this chapter regulating communication services, the provisions in this article I shall apply to any construction within and/or use of city rights-of-way.

(b) The following terms and phrases shall have the meanings given herein for purposes of this chapter 19. Words not otherwise defined shall be construed to mean the common and ordinary meaning.

Construction means any use of, activity, placement, replacement, repair or installation performed by any person or entity other than the city within the boundaries of any city right-of-way, including, but not limited to, curb cuts; driveways; excavation activities; installation of pavers, poles, conduits, wires, cables, fencing, signage and sidewalks; structures or other improvements or fixtures; and landscaping activities. The term does not include pedestrian, bicyclist or vehicular use of the rights-of-way.

Rights-of-way or *public rights-of-way* means land in which the city owns the fee or has an easement devoted to vehicular, bicycle and/or pedestrian movement, or required for use as a transportation facility, as that term is defined in F.S. § 334.03(21), and may lawfully grant access pursuant to applicable law and includes the surface, airspace over the surface and the area below the surface of such rights-of-way. "Public rights-of-way" shall not include (a) county, state or federal rights-of-way, (b) property owned by any person other than the city, (c) service entrances or driveways leading from the road or street onto adjacent property, or (d) except as described above, any real or personal property of the city, such as, but not limited to, city parks, buildings, fixtures, conduits, water lines, sewer lines, facilities or other structures or improvements, regardless of whether they are situated in the public rights-of-way.

(c) Except as may be permitted in accordance with section 19-2 hereof, no person or entity shall undertake any use of or any type of construction within city rights-of-way, including without limitation, the following:

(1) Installation of mailboxes other than units prescribed by U.S. Postal Service Standards and Florida Department of Transportation Parking and Traffic Design Standards.

(2) Decorative walls.

(3) Retaining walls.

(4) Buildings or structures of any kind.

(5) Barriers or obstructions of any kind.

(6) Permanent recreational structures of any kind, except no recreational structures whether permanent or temporary on streets listed in section 21-17 of the Code of Ordinances.

(7) Fences.

(8) Swimming pools.

(9) Parking spaces or lots.

(10) Landscaping of any kind, except sod, which is permitted provided the adjoining landowner maintains the sod.

(11) Any other improvement, object or item requiring a permanent foundation or which cannot be removed readily.

(12) Any improvement, object or item designed and intended for personal or private use and not for public use.

(13) Security lights and street lights.

(14) Any work, construction activity or item which creates an obstruction, whether permanent or temporary, to the free and complete use of the right-of-way.

(15) Driveways, new, modified or replaced (see section 19-7).

Sec. 19-2. - Permits and revocable licenses required.

(a) Any person or entity desiring to undertake construction within and/or use of a right-of-way shall obtain, prior to commencement of any work, a permit for such activity issued by the city manager or his designee on terms and conditions as described herein, or in accordance with subsection (f) herein, the issuance of a revocable license.

(b) Any such person or entity shall complete and file an application for such approval in the form prescribed by the city.

(c) Fees for permits and revocable licenses shall be determined by resolution of the city commission.

(d) No use of or construction in a right-of-way shall be permitted or licensed if that use or construction creates an obstruction barrier or safety hazard as defined by generally accepted engineering practices.

(e) All requests for use of or construction within a right-of-way shall be evaluated based on the benefit of said use or construction to the general public and the degree to which the benefit to and convenience gained by a private property owner conflicts with or outweighs the benefit to the general public for the use of the affected right-of-way.

(f) Revocable licenses are required for all improvements in the right-of-way which are not accepted for maintenance by the city.

(g) All requests for revocable license agreements require approval by the city manager or his designee.

(h) The permit or revocable license applicant shall be the owner or owners of the real property located adjacent to the affected right-of-way or a person designated by affidavit of said owner or owners.

(i) Time limitations.

(1) In no case shall construction commence on any improvement within any right-of-way before a permit and, if required, a license is issued. A permit issued by the city shall be valid for a period of up to one hundred eighty (180) days from the date of issuance. If a period in excess of one hundred eighty (180) days is required because of the scope of work, approval shall be obtained in advance of the issuance of the permit and the permit validation period shall reflect such extension. A permit shall not be extended more than three (3) times or for more than one (1) year from the date of issuance.

(2) After issuance of the permit, the permittee shall notify the building department a minimum of two (2) business days prior to commencing construction. This notification will allow for scheduling of inspections. If a road closure is required, the permittee shall submit with the permit application a maintenance of traffic (MOT) plan to include all proposed

road closures and an expected time duration for each closing. Road closures shall require separate approval by the public works department and public safety department and a minimum of three (3) business days' prior notification before the commencement or construction. Road closures of fewer than fifteen (15) minutes shall not require notification.

(j) Application and other requirements.

(1) Any person legally entitled to apply for and receive a permit and/or license under the provisions of this article shall make such application in writing to the city in a form/format provided for that purpose. Every applicant for a permit/license shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The city may require plans, specifications or drawings and such other information as it may deem necessary and pertinent prior to the granting of a permit/license. If the city determines that the plans, specifications, drawings, descriptions or other information furnished by the applicant are in compliance with this article, the rules and regulations of any other department having jurisdiction and any other laws, rules and regulations pertaining to work proposed to be done, it shall issue the permit/license applied for upon payment of the required fee.

(2) The order, sequence and prerequisites for making applications shall be as designated by the city.

(3) The applicant shall determine all potential utility conflicts during the design stage and shall show same on the plan and profile drawings submitted with the application. The plan and profile drawings shall be in accordance with utility plan guidelines or as specified by the city.

(4) If it is determined that such work or activity within any right-of-way will not unreasonably interfere with the rights of the public or city, the city may issue a permit/license for such construction work or activity, upon such reasonable conditions as the city deems necessary for the protection of the rights of the public and the city.

(5) Under all conditions prescribed in this section, the construction shall not proceed unless the statewide one-call toll-free telephone notification system or such other method established under the Underground Facility Damage Prevention and Safety Act, as now or hereafter amended, is notified not less than forty-eight (48) hours nor more than five (5) days in advance of beginning construction. Advance notification is waived when it is documented to the city that the excavation work is of an emergency nature involving the public health, safety or welfare.

(6) All applicants shall give the full name, address, electronic mail address and telephone number of the person or organization making such application and all contractors expected to participate in the construction of the work; shall designate the place, extent, nature and purpose of such work or activity; and, if any paving, curbing, sidewalk, drainage feature, sewer or water main will be disturbed by such work, the city manager or designee may require that the application be accompanied by a deposit of money in such amount as shall in the opinion of the city manager of designee be sufficient to pay for the expense of repairing or restoring the same. Pavement replacement shall be in accordance with the conditions set forth in the permit and other standards of the city. Failure or neglect on the part of the applicant to carry out all work in compliance with the conditions set forth in the

permit/license and other standards of the city shall be reason for revocation of the permit/license.

(7) All applicants shall restore the rights-of-way to its previous condition.

(8) All applicants shall verify the location and elevation of all underground facilities and shall protect said facilities from damage; in the event that any facilities are damaged, the applicant or applicants shall, at their sole expense, repair or cause to be repaired the damaged facilities to the satisfaction of the owner or operator of said facilities.

(9) Upon the completion of the work authorized by a permit/license hereunder, the permittee/licensee shall refill all trenches and excavations. All openings in rights-of-way must be promptly filled with suitable material, free from rubbish and perishable matter, and thoroughly and evenly compacted throughout, ramming in thin layers while being put in or by flooding with water. Upon completion of the backfill, the permittee/licensee shall immediately place pavement, if applicable, in a safe condition for traffic by laying a temporary pavement, properly supported, having the top of the pavement flush with the pavement surface. Immediately after completion of work or any consecutive portion of it, the permittee/licensee shall remove from such street or sidewalk all unused material, refuse and dirt placed in the vicinity of the work resulting from its prosecution and restore the right-of-way to a condition satisfactory to the city, notifying the city of such action. In case the work is not completed within the time limited in the permit/license, the city may, if it deems necessary, take steps to return the surface to a safe condition. If an extension of time beyond such date is necessary for completion of the work, a new application must be obtained. All persons in charge of any work in the rights-of-way must retain and have in possession at all times while so engaged the permit/license as described in this section. If the city shall at any time within thirty (30) days after the sidewalks and/or pavement have been replaced or repaired determine that the work has not been completed in a workmanlike manner or otherwise fails to meet city standards, then, and in that event, the city shall cause the sidewalks, pavement or other surfaces within the right-of-way so defectively replaced and repaired to be properly replaced and repaired. All costs and expenses of so replacing and repairing such work shall be charged against the fund deposited by the person to whom the permit was granted to cut, disturb and excavate the pavement or sidewalks, for a period of one (1) year against defect.

(k) Each applicant for a permit and/or license, as may be applicable, under this article shall:

(1) Agree to save the city, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed or existence of any improvement under such permit or revocable license. The acceptance of any permit or revocable license under this article shall constitute such an agreement by the applicant whether such acceptance is expressed or not.

(2) Pay a permit and engineering review fee and security deposit. Developers of major subdivisions may request to pledge assurances to the city in lieu of cash or check, and the city, in the sole exercise of the city manager's judgment and discretion, may accept or reject such assurances.

(3) Furnish a certificate of insurance.

(4) Keep the original copy of the permit or revocable license and an approved copy of the plan in the possession of the party actually doing the work and, when requested, exhibit

such copy to the building official, duly authorized inspectors or, in the instances of county and state roads, to the respective inspectors representing these authorities.

(5) Agree to perform the work in accord with the permit and/or revocable license conditions and the regulations established under this article.

(l) Bond. A performance bond, or other financial security, in form, content and execution approved by the city, may be required to protect the city in the event the specified work is not completed or does not conform to the city's requirements, or when damages to the right-of-way have occurred.

(m) Permit/license revocation. The city may revoke permits and licenses issued upon finding that:

(1) The permit/license was issued by mistake of law or fact;

(2) The permit/license is for work which violates the provisions of this article;

(3) The permit/license was issued upon a false statement or misrepresentation by the applicant;

(4) The permit/license violates any ordinance of the city or any state or federal law, rule or regulation;

(5) The work is not being performed in accordance with the provisions of this article;

(6) The certificate of competency or license of the permittee has become invalid by reason of expiration, suspension, revocation or otherwise;

(7) The work is not being performed under the supervision of the holder of the certificate or license upon which the same was issued;

(8) The work is not being done in accordance with the terms of the permit/license, the plans or the application upon which the same was issued;

(9) Payment of the fees was not effected due to insufficient funds or any other reason;

(10) The work performed is threatening or interfering with public welfare and safety;

(11) The work performed is not in compliance with this article and/or city Code; or

(12) The permittee is not in compliance with this article and/or city Code.

CITY OF ATLANTIC BEACH
CITY COMMISSION MEETING
STAFF REPORT

AGENDA ITEM: WAIV25-0002 **Public Hearing**
WAIV25-0002 is a request for a waiver from Section 19-1 to allow a parking pad in city right-of-way at 170 Club Drive.

SUBMITTED BY: Amanda Askew, Neighborhoods Department Director

TODAY'S DATE: May 12, 2025

MEETING DATE: May 27, 2025

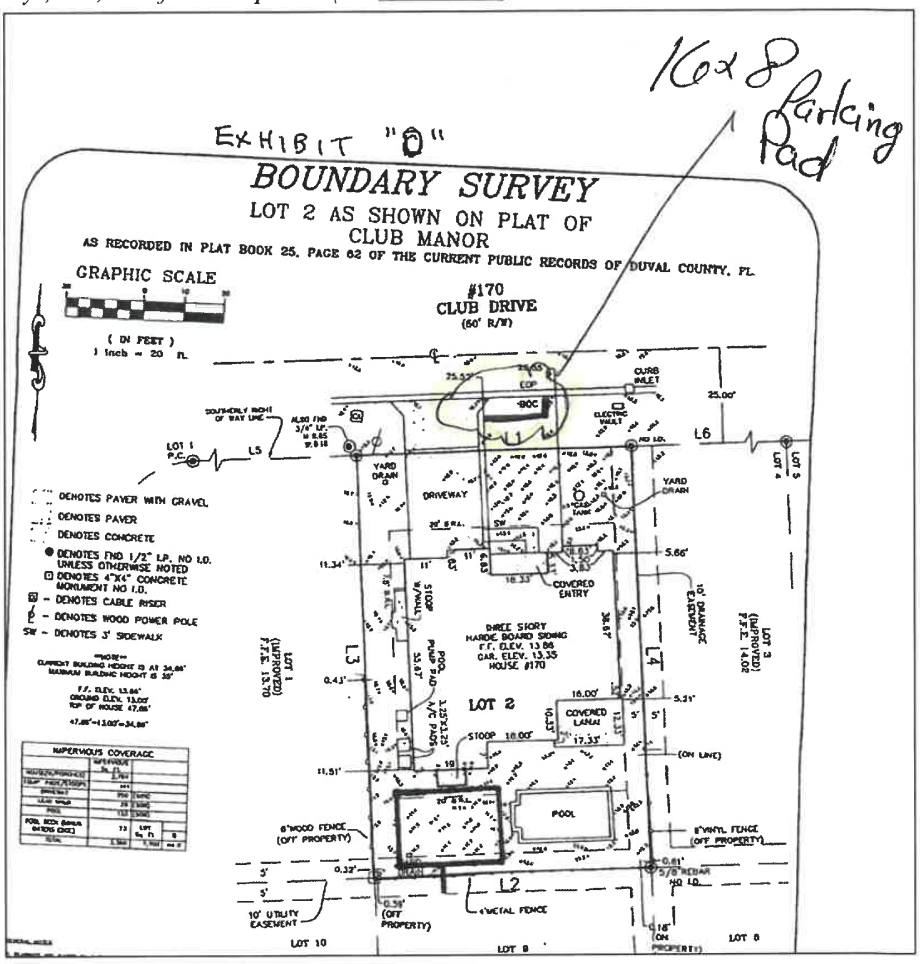
BACKGROUND: The applicant, Mitch Morse, has owned 170 Club Drive since 2024 and is requesting a waiver from Section 19-1 of the City Code to allow the continued use of a parking pad within the city right-of-way. The parking pad was constructed in 2024 without a permit and currently consists of gravel.



Prior to the 2024 Chapter 24 update, similar requests only went before the City Commission as part of the waiver process. Since many of these request's deal with deviations from other land development regulations not specified in Chapter 24, the code updated the process to bring waivers to the Community Development Board to make a recommendation to commission to approve, approve with conditions, or deny the request.
Section 19-1 of the City Code prohibits numerous types of construction in the right-of-way, including parking pads:

"(1) Installation of mailboxes other than units prescribed by U.S. Postal Service Standards and Florida Department of Transportation Parking and Traffic Design Standards.
(2) Decorative walls.
(3) Retaining walls.
(4) Buildings or structures of any kind.
(5) Barriers or obstructions of any kind.
(6) Permanent recreational structures of any kind, except no recreational structures whether permanent or temporary on streets listed in section 21-17 of the Code of Ordinances.
(7) Fences.
(8) Swimming pools.
(9) Parking spaces or lots.
(10) Landscaping of any kind, except sod, which is permitted provided the adjoining landowner maintains the sod.
(11) Any other improvement, object or item requiring a permanent foundation or which cannot be removed readily.
(12) Any improvement, object or item designed and intended for personal or private use and not for public use.
(13) Security lights and street lights.

(14) Any work, construction activity or item which creates an obstruction, whether permanent or temporary, to the free and complete use of the right-of-way.
(15)Driveways, new, modified or replaced (see section 19-7).”



Section 19-2 authorizes the city manager or designee to issue a permit or revocable license to undertake construction within the city right-of-way and states that “all requests for use of or construction within a right-of-way shall be evaluated based on the benefit of said use or construction to the general public and the degree to which the benefit to and convenience gained by a private property owner conflicts with or outweighs the benefit to the general public for the use of the affected right-of-way.”

The waiver application was submitted on January 29, 2025, in response to a code enforcement action regarding the unpermitted installation of a gravel parking pad in the city right-of-way. During an inspection conducted on September 13, 2024, City code enforcement staff found the gravel had been placed without a permit and was washing into the adjacent concrete gutter, prompting a Notice of Violation (Case #24-157) on September 19, 2024.
The notice advised that no landscape materials may be installed in the right-of-way without a permit and required the owner to either remove the gravel or apply for a permit within 10 days. It further stated that

any approved design would need to incorporate a 2-foot-wide buffer between the gravel and the road's edge.

The applicant has since clarified that the waiver request is to allow the existing gravel parking pad to remain. Since the violation notice, the applicant has added a 2-foot-wide buffer between the gravel and edge of pavement. This too is included in the waiver request.







At the January 21, 2025 Community Development Board meeting, a motion to recommend that the City Commission deny the request was made and passed by a vote of 4 to 2.

WAIVERS

A waiver from the land development regulations may be approved only upon showing of good cause, and upon evidence that an alternative to a specific provision(s) of this chapter shall be provided, which conforms to the general intent and spirit of these land development regulations. In considering any request for a waiver from these land development regulations, the city commission may require conditions as appropriate to ensure that the intent of these land development regulations is enforced.

The city commission may grant a waiver from Chapter 24 of other application chapters or other application chapters in accordance with Section 24-66. A waiver may be considered only for the following:

(1) Maximum building heigh in accordance with section 24-156

(2) Article IV "subdivision and site improvement regulations".

(3) Development standards as part of a special planned area in accordance with Division 6

(4) Other land development regulations contained within this city code outside of chapter 24

The city commission shall not approve a waiver unless:

(1) Compliance with such provision(s) would be unreasonable; or

(2) Compliance with such provision(s) are in conflict with the public interest; or

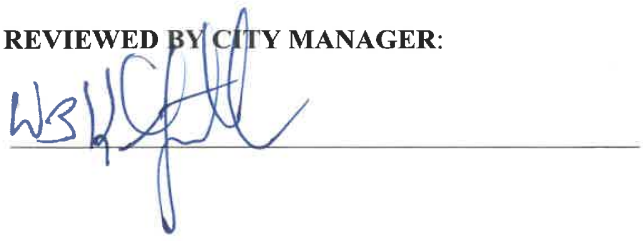
(3) Compliance with such provision(s) are a practical impossibility.

BUDGET: None

RECOMMENDATION: Commission to consider waiver WAIV25-0002.

ATTACHMENT(S): Waiver Hearing Procedures
Waiver Application
Community Development Board (CDB) minutes

REVIEWED BY CITY MANAGER:



LAND DEVELOPMENT REGULATIONS WAIVER

City of Atlantic Beach
Community Development Department
800 Seminole Road Atlantic Beach, FL 32233
(P) 904-247-5800

FOR INTERNAL OFFICE USE ONLY
PERMIT# WAIV25-0002

☐ $300.00 Application Fee

Please submit form in person or to **buildng-dept@coab.us

APPLICANT INFORMATION

NAME Morse Mitchel Henry EMAIL

ADDRESS 170 Club Drive PHONE # 386-385-3159

CITY Atlantic Beach STATE FL ZIP CODE 32233 CELL # 904-669-0138

SITE INFORMATION

ADDRESS 170 Club Drive, Atlantic Beach, FL 32233

SUBDIVISION Club Manor BLOCK LOT 2

RE# 170317-0000 LOT/PARCEL SIZE 7700 SQ FT ZONING CODE ARS-2

COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION RES LD

REQUESTED PROVISIONS FROM WHICH WAIVER IS SOUGHT

PROVIDE ALL OF THE FOLLOWING INFORMATION:

1. Proof of ownership (deed or certificate by lawyer or abstract company or title company that verifies record of owner as above.
2. Survey and legal description of property.
3. If the applicant is not the owner, provide a letter of authorization from the owner(s) for applicant to represent the owner for all purposes related to this application.
4. Please submit a written request for the waiver stating the reasons for the waiver and the facts which support the waiver.

"In lieu of signed, sworn and notarized signatures of the property owner, agent and/or contractor, and under penalties of perjury, I declare that I have read and examined the foregoing application and that the facts stated in it are true and correct."

X _____ Mitch Morse 1/27/25

SIGNATURE OF APPLICANT PRINT OR TYPE NAME OF APPLICANT DATE

LAND DEVELOPMENT REGULATION WAIVER 11.19.2024

Section 24-66 permits the City Commission to authorize limited Waivers, on a case-by-case basis, from a specific provision(s) of these Land Development Regulations when it is demonstrated that compliance with such provision(s) would be unreasonable, in conflict with the public interest, or a practical impossibility. A Waiver from these Land Development Regulations may be approved only upon showing of good cause, and upon evidence that an alternative to a specific provision(s) of this Chapter shall be provided, which conforms to the general intent and spirit of these Land Development Regulations. In considering any request for a Waiver from these Land Development Regulations, the City Commission may require conditions as appropriate to ensure that the intent of these Land Development Regulations is enforced. A Waiver shall not modify any requirement or term customarily considered as a Variance or any requirement or term prohibited as a Variance, and shall be considered only in cases where alternative administrative procedures are not set forth within the City Code of Ordinances.

Statement of facts and any special reason(s) for the requested Waiver, which demonstrates compliance with Section 24-66 of the Zoning and Subdivision and Land Development Regulations and ***specifically describing how the request complies with the Conditions necessary for the City Commission to approve this request***. Please attach additional pages if needed.

LDC Section 19-7 was interpreted to allow previous and semi- previous (pavers) material to be located in the right-of-way with an Encroachment Agreement filed with the permit application. It is understood that if the city needs to access any utility lines the pavers will be removed and/or damaged at my cost. I believe the pavers add more beauty to the neighborhood and do not cause any harm to my neighbors.

OR BK 21068 PAGE 479

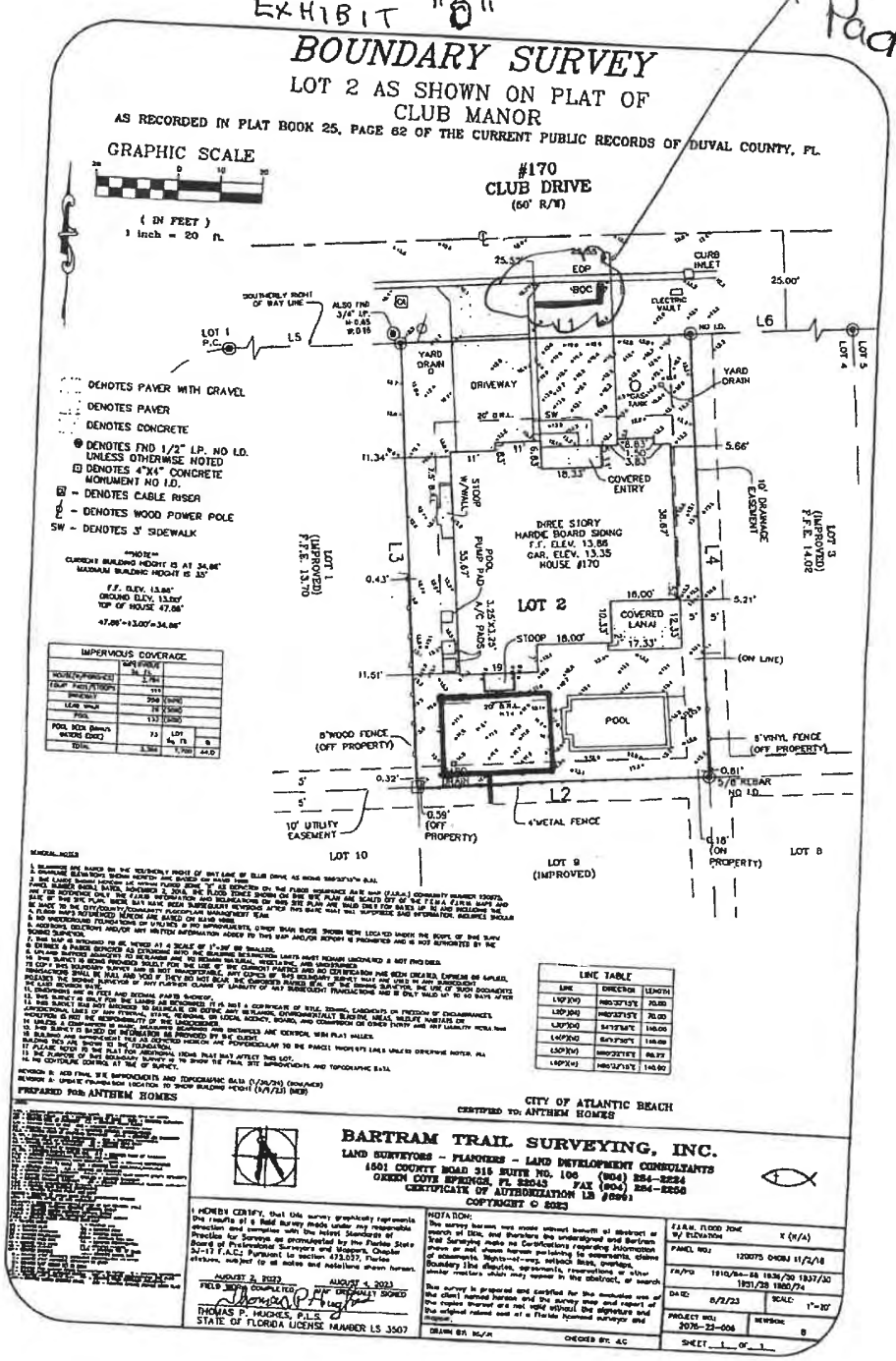
16x8 Parking Pad

EXHIBIT "B"

BOUNDARY SURVEY

LOT 2 AS SHOWN ON PLAT OF
CLUB MANOR

AS RECORDED IN PLAT BOOK 25, PAGE 62 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FL.



CITY OF ATLANTIC BEACH
CERTIFIED TO: ANTHEM HOMES

PREPARED FOR: ANTHEM HOMES

BARTRAM TRAIL SURVEYING, INC.
LAND SURVEYORS - PLANNERS - LAND DEVELOPMENT CONSULTANTS
4501 COUNTY ROAD 315 SUITE NO. 106 (904) 284-2284
GREEN COVE SPRINGS, FL 32043 FAX (904) 284-2258
CERTIFICATE OF AUTHORIZATION LB #6961
COPYRIGHT © 2023

I HEREBY CERTIFY, That this survey graphically represents the results of a field survey made under my responsible direction and complies with the latest Standards of Practice for Surveys as promulgated by the Florida State Board of Professional Surveyors and Mappers, Chapter 5J-17 F.A.C. Pursuant to section 472.027, Florida statutes, subject to all notes and notations shown hereon.

AUGUST 2, 2023 FIELD WORK COMPLETED AUGUST 4, 2023 DATE DIGITALLY SIGNED

THOMAS P. HUGHES, P.L.S.
STATE OF FLORIDA LICENSE NUMBER LS 3507

NOTATION:
The survey hereon was made without benefit of abstract or search of title, and therefore the undersigned and Bartram Trail Surveying make no Certifications regarding information of easements, Rights-of-way, setback lines, overlaps, boundary line disputes, agreements, reservations or other similar matters which may appear in the abstract, or search.

This survey is prepared and certified for the exclusive use of the client named hereon and the survey plat and report of the original named and is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper.

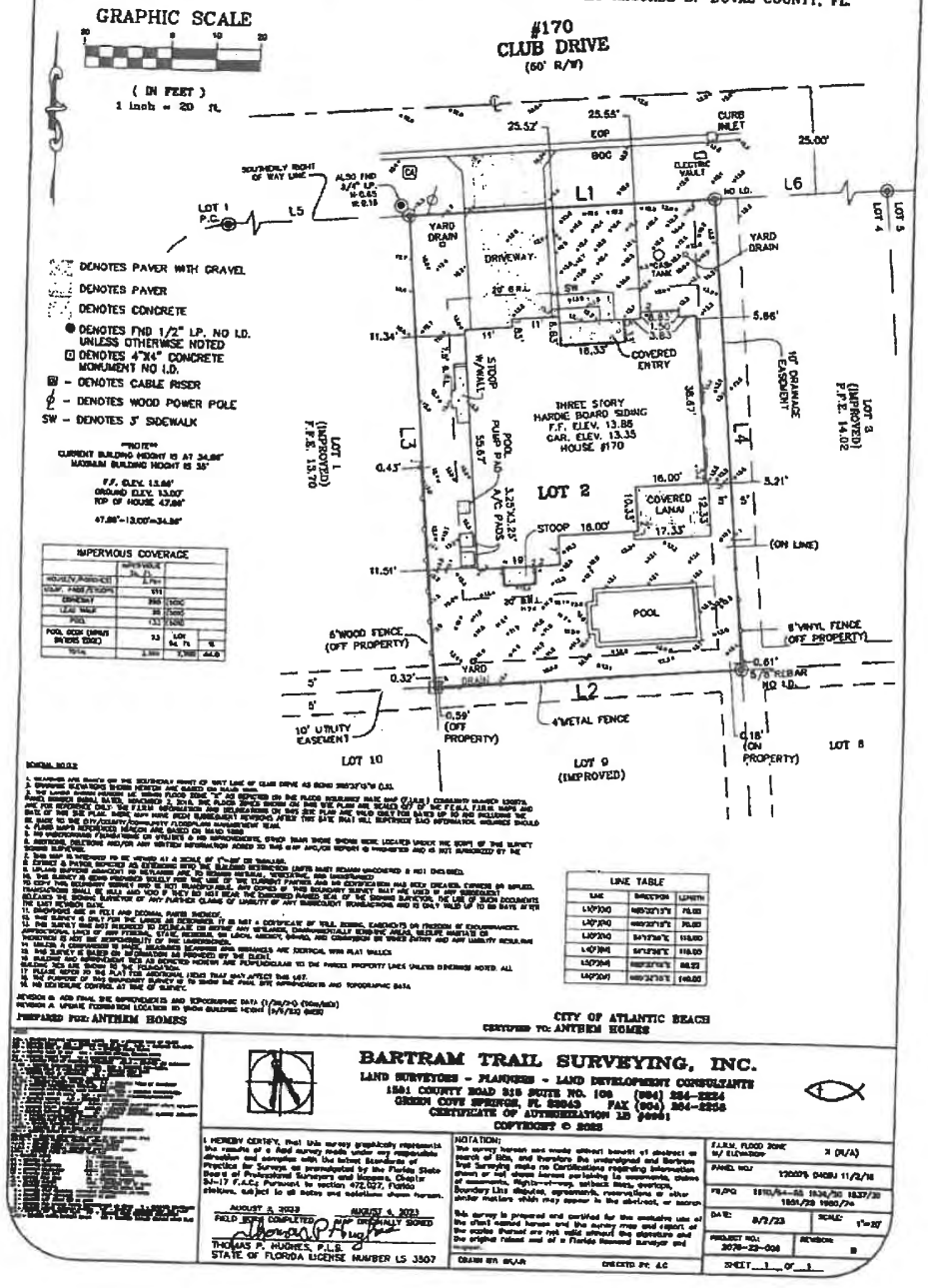
F.I.R.M. FLOOD ZONE W/ ELEVATION: X (N/A)
PANEL NO.: 12031C 0408J 11/2/18
FB/PG: 1910/84-86 1839/30 1937/30 1931/28 1980/24
DATE: 8/2/23
SCALE: 1"=20'
PROJECT NO.: 2076-23-006
REVISIONS: 8
SHEET 1 OF 1
DRAWN BY: RG/M
CHECKED BY: AC

OR BK 21068 PAGE 478

EXHIBIT "C"

BOUNDARY SURVEY

LOT 2 AS SHOWN ON PLAT OF
CLUB MANOR
AS RECORDED IN PLAT BOOK 25, PAGE 62 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FL.



IMPERVIOUS COVERAGE			
	IMPERVIOUS SQ. FT.		
HOUSE/LIV. AREA+GAR.	2,191		
COVERED LANAI/PORCH	511		
DRIVEWAY	868	100%	
LEAD WALK	88	100%	
POOL	733	100%	
POOL DECK (WRAP AROUND DECK)	33	100% SQ. FT.	%
TOTAL	2,500	5,000	44.8

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	N89°32'13"E	75.00
L2	N89°32'13"E	75.00
L3	S01°27'47"E	110.00
L4	S01°27'47"E	110.00
L5	S01°27'47"E	59.00
L6	S01°27'47"E	59.00
L7	N89°32'13"E	150.00

CITY OF ATLANTIC BEACH
CERTIFIED TO: ANTHEM HOMES

PREPARED FOR: ANTHEM HOMES

BARTRAM TRAIL SURVEYING, INC.
LAND SURVEYORS - PLANNERS - LAND DEVELOPMENT CONSULTANTS
1861 COUNTY ROAD 315 SUITE NO. 108 (904) 284-2224
GREEN COVE SPRINGS, FL 32043 FAX (904) 284-2258
CERTIFICATE OF AUTHORIZATION LB #6881
COPYRIGHT © 2023

I HEREBY CERTIFY, that this survey graphically represents the results of a field survey made under my responsible direction and supervision with the below Boundaries of Practice for Surveys as promulgated by the Florida State Board of Professional Surveyors and Mappers, Chapter 5J-17 F.A.C. Pursuant to section 472.027, Florida Statutes, subject to all notes and notations shown hereon.

AUGUST 3, 2023
FIELD WORK COMPLETED

AUGUST 4, 2023
DATE DIGITALLY SIGNED

THOMAS P. HUGHES, P.L.S.
STATE OF FLORIDA LICENSE NUMBER LS 3507

NOTATION:
This survey hereon was made without benefit of abstract as search of title, and therefore the undersigned and Bartram Trail Surveying make no Certifications regarding information shown or not shown hereon pertaining to easements, claims of easements, Rights-of-way, setback lines, overlaps, Boundary Line disputes, agreements, reservations or other similar matters which may appear in the abstract, or deed.

This survey is prepared and certified for the exclusive use of the client named hereon and the survey map and report or the copies thereof are not valid without the signature and the original raised seal of a Florida Registered Surveyor and Mapper.

F.I.R.M. FLOOD ZONE W/ ELEVATION	X (N/A)
PANEL NO.:	12003F0 0408J 11/2/18
FB/PG	1810/64-66 1830/30 1837/20 1850/20 1900/24
DATE: 8/2/23	SCALE: 1"=20'
PROJECT NO.: 2078-23-008	REVISION: B
SHEET 1 OF 1	

Doc # 2024097921, OR BK 21045 Page 1707, Number Pages: 2,
Recorded 05/07/2024 10:48 AM, JODY PHILLIPS CLERK CIRCUIT COURT DUVAL COUNTY
RECORDING $18.50 DEED DOC ST $26600.00

Prepared By & Return To:
Eric B. Blocker, Esq.
River City Title, LLC
11512 Lake Mead Avenue #606
Jacksonville, FL 32256

File Number: RC-24-3189
Parcel ID: 170317-0000

2403776
$3800000

General Warranty Deed

Made this 19th day of April, 2024 A.D. by **Jonathan Michael Davis, a married man,** of 825 Alhambra Drive North, Jacksonville, FL 32207, hereinafter called the Grantor, to **Caitlin Wilson Morse and Mitchell Henry Morse, wife and husband,** whose address is: 15701 Canterbury Street, Overland Park, KS 66224, hereinafter called the Grantee:

(Whenever used herein the term "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

Witnesseth, that the Grantor, for and in consideration of the sum of Ten Dollars, ($10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in DUVAL County, Florida, viz:

Lot 2, Club Manor, a subdivision according to the plat thereof recorded in Plat Book 25, Page 62, of the Public Records of Duval County, Florida.

Also commonly known as: 170 Club Drive, Atlantic Beach, FL 32233

Said property is not the homestead of the Grantor under the laws and Constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes for 2024 and subsequent years, not yet due and payable.

Grantor's title recorded on September 28, 2022 in the Official Records of Duval County, Florida at Book 20449, Page 241.

WARRANTY DEED

E-RECORDED
ID 202409921
County DUVAL
Date 5.7.24 Time 10:48AM

Prepared By & Return To:
Eric B. Blocker, Esq.
River City Title, LLC
11512 Lake Mead Avenue #606
Jacksonville, FL 32256

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Grantor's title recorded on September 28, 2022 in the Official Records of Duval County, Florida at Book 20449, Page 241.

WARRANTY DEED

In Witness Whereof, the said **Grantor** has signed and sealed these presents effective the day and year first written above.

Signed, sealed, and delivered in our presence:

WITNESS (Signature Above)
1st Witness Name Printed: ERIC BLOCKER
Address: 11512 Lake Mead Ave, Suite 606
Jacksonville, Florida 32256

WITNESS (Signature Above)
2nd Witness Name Printed: Jessie G Stokes
Address: 11512 Lake Mead Ave, Suite 606
Jacksonville, Florida 32256

Jonathan Michael Davis

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of (✓) physical presence or ( ) online notarization this 18 day of April, 2024, by Jonathan Michael Davis.

Signature of Notary Public
Print, Type/Stamp Name of Notary

Personally Known: ✓ OR Produced Identification: _____
Type of Identification
Produced: _____

ERIC B BLOCKER
Notary Public - State of Florida
Commission # HH 53015
My Comm. Expires Nov 6, 2024

WARRANTY DEED

MINUTES
Community Development Board (CDB) Meeting
Tuesday, April 15, 2025 - 6:00 PM
City Hall, Commission Chamber
800 Seminole Road, Atlantic Beach, FL 32233

Present:
Kirk Hansen, Chair
Ellen Golombek, Vice Chair
Angela Farford, Member
Harold Gear, Member
Richard Arthur, Member
Jeff Haynie, Member

Absent:
Jennifer Lagner, Member
Gregory (Greg) Beliles, Alternate Member

Also Present:
Robert Graham, City Attorney (CA)
Abrielle Genest, Principal Planner
Valerie Jones, Recording Clerk

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF MINUTES

A. Approve minutes of the March 18, 2025 regular meeting of the Community Development Board.

The minutes were approved contingent upon Staff correcting the recorded vote for UBEX25-0001 be corrected to reflect Ms. Lagner as voting for approval and Ms. Golombek as voting against approval.

3. OLD BUSINESS

There was no old business.

4. NEW BUSINESS

A. 170 Club Drive WAIV25-0002 (Mitchel Henry Morse)

A request for a waiver from Section 19-1 to allow a parking pad in city right-of- way at 170 Club Drive.

STAFF REPORT: Planner Genest presented the information as explained in the staff report. She also provided a PowerPoint presentation. Chair Hansen asked if there was a time when staff was approving these parking pads in the right-of-way. Planner Genest said staff hasn't been approving them for about 5 years.

APPLICANT REPORT: Mitch Morse introduced himself as the homeowner. He said that after hearing the presentation it gave him some insight into the reasoning behind the

City's stance on parking pads. Mr. Morse said if not approved, he will take any action he has to.

PUBLIC COMMENT: Chair Hansen opened the floor to public comment. There were no public comments.

BOARD DISCUSSION: Mr. Arthur said he thought it made sense to have cars out of the road. He said he would like to see the City consider these parking pads instead of just denying them across the entire city. Mr. Haynie said he didn't see the grounds for approval. He said he was on the fence about this case. Ms. Farford said she was having a hard time seeing a reason for approval. She didn't think parking off of the street was a bad thing. Mr. Gear said they could be required to put in a public parking sign. Mr. Arthur said the STOP committee discussed a recommendation to budget for additional parking in the right-of-way. He said he could see parking pads working under certain conditions and if the homeowner would attest to sign and acknowledge that they're going to improve the right-of-way.

MOTION: To recommend **DENIAL** of **WAIV25-0002** to the City Commission.

Motion: ***Jeff Haynie***
Second: ***Ellen Golombek***

Kirk Hansen	***For***
Ellen Golombek (Seconded By)	***For***
Angela Farford	***For***
Harold Gear	***Against***
Richard Arthur	***Against***
Jeff Haynie (Moved By)	***For***

Motion passed 4 to 2.

5. REPORTS

There were no reports.

6. PUBLIC COMMENT

Chair Hansen said he would like to talk about some old business that was brought up by Brinkley Harrell. He said that he would like to see the trigger of 400 square foot addition to pervious surface requiring site retention be removed if the total impervious ratio is under 45%. Chair Hansen asked Planner Genest if Staff could come up with that language for discussion at the next meeting. Planner Genest confirmed what the Board was requesting.

The next topic was swimming pools being 100% pervious instead of the current 50% pervious. The Board decided to delay that discussion.

Chair Hansen said he would like to discuss the quirk in the code regarding shared parking and how a business's on-site parking doesn't count toward total parking spaces. He asked Planner Genest if Staff could come up with language that reflects the fact that if a business can find on-

site parking that would count toward their parking requirements. There was further discussion regarding parking issues in Atlantic Beach in general.

7. ADJOURNMENT

There being no further discussion, Chair Hansen declared the meeting adjourned at 6:30 p.m.

Attest:

Amanda Askew

Kirk Hansen, Chair