

**Minutes of Regular City Council Meeting
held Monday, October 19, 2009, at 7:00 P.M.
In the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



Call to Order

The meeting was called to order by Mayor Fland Sharp.

Opening Ceremony

Invocation was by Council member Knight, Salute to the Flag.

Roll Call

Mayor: Fland Sharp

Council members: Lee Buck Steve Hartkemeyer
Rick Knight Pete Mittleman

Also present were City Manager George Forbes and City Clerk Heidi Reagan.

Council members Penny Christian and Tom Taylor were absent.

Approval of Minutes

It was moved by Mr. Hartkemeyer, seconded by Mr. Knight, and passed, to approve the minutes of the Regular City Council Meeting on October 5, 2009 and the Special City Council Meeting on October 7, 2009 as presented.

Courtesy of the Floor to Visitors

Sandi Golding, 1203 18th Ave., N. - Introduced new board members of "Friends of Paws Park" – Mark Henry, President; Jackie Roberts, Treasurer; Anna Rivera, Communications member.

Mark Henry, - Informed Council of upcoming Halloween costume party at Paws Park. The title this year is "Halloween Fest at Paws Park" and will be held this Sunday, October 25th from 3pm to 6pm.

City Manager "a"

Monthly Financial Reports for September 2009

Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Knight, and passed, to accept the monthly financial reports for September 2009.

**Minutes of Regular City Council Meeting
held Monday, October 19, 2009**

City Manager “b”

Approval to Purchase a Replacement 1500 GPM Quint (aerial/pumper) for the Fire Department

Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Knight, to approve the purchase of an HD77 Quint Ferrara Fire Apparatus Inc. from the State Sheriff’s Contract, as outlined by Chief Gary Frazier in a memo dated October 4, 2009 including a trade in of our current 1990 Pierce Snorkel/ladder.

Discussion: Mr. Forbes explained that this is the type of expense that the City has planned for in their budget and saved for, for many years. This truck is a 77 foot ladder truck and snorkel with a projected life of 20 years. This truck is replacing a truck that is 20 years old.

Roll call vote: Ayes – Buck, Hartkemeyer, Knight, Mittleman and Mayor Sharp; motion carried unanimously.

City Manager “c”

Approve the Golf Course Concessionaire Payment Reduction

Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Knight, to approve a payment reduction for Hero’s 19th Hole for the monthly rent payments as detailed in a memo from Gary Meadors dated October 8, 2009, entitled “Golf Course Concessionaire Payment Reduction”.

Discussion: Mr. Forbes explained that this is an addendum to the current contract we have with Hero’s 19th Hole to extend the half price rent another 3 months due to the loss of play experienced as a result of the construction. The construction is done and the course has re-opened. This also addresses the ad-valorem real estate taxes. Instead of paying the taxes once a year, one-twelfth of the taxes will be included in the monthly rent. It sets payment due dates for the taxes and late rent payments that are owed to the City. In addition, it allows for the lease of two beverage carts, and includes a clause that if any of the payment dates are missed, the City can immediately terminate the contract and get another vendor for the site.

Roll call vote: Ayes – Hartkemeyer, Knight, Mittleman, Buck and Mayor Sharp; motion carried unanimously.

ORDINANCE NO. 2009-7978 - FIRST READING

Mayor Sharp requested the City Clerk read Ordinance No. 2009-7978, on its first reading by title only, whereupon Ms. Reagan read the following:

**Minutes of Regular City Council Meeting
held Monday, October 19, 2009**

“AN ORDINANCE PROPOSING AN AMENDMENT TO THE CITY CHARTER; TO ALLOW A COUNCIL PERSON TO SERVE AS MAYOR UPON THE COMPLETION OF NOT MORE THAN TWO CONSECUTIVE FULL-TERMS AS COUNCIL PERSON; TO PROVIDE FOR THE PUBLICATION AND NOTICE OF THE PROPOSED AMENDMENT TO THE ELECTORS OF THE CITY FOR APPROVAL OR DISAPPROVAL AT THE NEXT MUNICIPAL ELECTION.”

Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Knight, to adopt Ordinance No. 2009-7978 which places a referendum on the November 2, 2010 ballot that if passed, would amend the Charter to allow a Council Member to be eligible to serve as Mayor after completing two consecutive terms on the Council.

Discussion: Council Member Buck stated that he would like the ordinance to be amended to clarify that the maximum term that could be served is 16 years, 8 as Council Member and 8 as Mayor. At the end of a Mayoral term running consecutive to two full Council terms, the individual would not be eligible to run for Council in the next election.

Mr. Forbes stated that this has been reviewed by legal counsel and that this is what the ordinance does. He stated we can add language to make that more clear and asked the City Clerk to check into providing that language. He also pointed out that if this is adopted, it will require the City to place this item on the ballot for the election in November, 2010 for the people to vote on. This change will not take place without the approval of the voters.

The Mayor asked if this would be the language on the ballot to which Mr. Forbes responded that this language would be on the ballot along with a statement that explains what this change will mean.

Jim Overby, 21 Burling Way – Mr. Overby suggested we use language similar to the language in the Neptune Beach ordinance that establishes term limits.

Scott Chesnut, 224 2nd Ave., S. – Pointed out that two Council Members were not at the meeting and suggested the vote be deferred until all Council Members are in attendance.

Council Member Knight confirmed with Mr. Forbes that staff will provide language to clarify that after completing 4 terms - 2 as Council Member and 2 as Mayor the individual would not be eligible to run for any seat on the Council in the next Municipal election.

Roll call vote: Ayes – Knight, Mittleman, Buck, Hartkemeyer and Mayor Sharp; motion carried unanimously.

ORDINANCE NO. 2009-7977 - FIRST READING

**Minutes of Regular City Council Meeting
held Monday, October 19, 2009**

Mayor Sharp requested the City Clerk read Ordinance No. 2009-7977, on its first reading by title only, whereupon Ms. Reagan read the following:

“AN ORDINANCE ENACTED PURSUANT TO SECTION 100.3605(2), FLORIDA STATUTES, AMENDING CHAPTER III, “ELECTIONS”, SECTION 15. “MUNICIPAL ELECTIONS”, OF THE CHARTER OF THE CITY OF JACKSONVILLE BEACH, FLORIDA.”

Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Knight, to adopt Ordinance No. 2009-7977 which changes the primary election date for the City of Jacksonville Beach to the same as the State primary election date.

Mr. Forbes explained that this change was recommended by the Supervisor of Elections so we don't have to run a separate primary, and more importantly, the amount of time between our current primary and general elections does not allow enough time to get absentee ballots printed and mailed for the general election. We were fortunate last election that the candidates were all elected at the primary and the City did not need to be on the ballot for the general election.

Roll call vote: Ayes – Mittleman, Buck, Hartkemeyer, Knight and Mayor Sharp; motion carried unanimously.

ORDINANCE NO. 2009-7979 - FIRST READING

Mayor Sharp requested the City Clerk read Ordinance No. 2009-7979, on its first reading by title only, whereupon Ms. Reagan read the following:

“AN ORDINANCE AMENDING SECTIONS 2.3, “DISTRIBUTION AND SALE OF PUBLIC RECORDS” THROUGH SECTION 2.93, “MEETINGS” OF CHAPTER 2, “ADMINISTRATION” OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA.”

Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Knight, to adopt Ordinance No. 2009-7979 which updates Chapter 2, “Administration”, Articles I through IV of the Code of Ordinances.

Discussion: Jim Overby, 21 Burling Way – Stated that there is no mention of how the fees will be assessed. He added that he felt this should be included in the document.

Mr. Forbes explained that the ordinance states the fees will be established by a Resolution of the Council and that the Resolution will be on the next agenda for the second reading.

**Minutes of Regular City Council Meeting
held Monday, October 19, 2009**

Roll call vote: Ayes – Buck, Hartkemeyer, Knight, Mittleman and Mayor Sharp; motion carried unanimously.

Adjournment

There being no further business coming before the Council, Mayor Sharp adjourned the meeting at 7:22 pm.

Submitted by: Heidi Reagan
City Clerk

Approval:

/s/Fland O. Sharp
Mayor

November 2, 2009
Date