



**Minutes of Regular City Council Meeting
Held Monday, November 17, 2008, 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: Penny Christian Lee Buck Steve Hartkemeyer
Rick Knight Pete Mittleman Tom Taylor

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

City Attorney Stephen Stratford was absent.

Approval of Minutes

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, and passed, to approve the minutes of the Regular City Council Meeting and Workshop Meeting held on November 3, 2008, as presented.

Communications

Courtesy of the Floor to Visitors

Mayor "a"

Certification Of Election Results

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, and passed, to certify the election results of the Mayoral election held on September 30, 2008, which certifies Fland Sharp has been elected Mayor.

Roll call vote: Ayes – Buck, Christian, Hartkemeyer, Knight, Mittleman, Taylor and Mayor Sharp, Motion carried unanimously.

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**Mayor “b”
Selection of Mayor Pro-Tem**

Mayor Sharp opened the Floor for nominations for Mayor Pro-Tem

Motion: It was moved by Mr. Hartkemeyer, seconded by Mr. Knight, and passed, to elect Penny Christian as Mayor Pro-Tem by unanimous acclamation.

City Council

City Clerk

**City Manager “a”
Monthly Financial Reports – October 2008**

Motion: It was moved by Ms. Christian, seconded by Mr. Buck and passed, to accept the Monthly Financial Reports for October, 2008.

**City Manager “b”
Approval to Continue Using *Guidance Pathways Systems, Inc.***

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, to approve *Guidance Pathway Systems, Inc.* as the sole source supplier of new downtown information and directional signs and repair parts for the duration of the downtown sign program.

Roll call vote: Ayes – Christian, Hartkemeyer, Knight, Mittleman, Taylor, Buck and Mayor Sharp, Motion carried unanimously.

**City Manager “c”
Award Bid Number 0708-27 For the Purchase of Electric Supplies**

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, to Award Bid No. 0708-27 to the lowest bidders as described in a memo from Don Ouchley to George D. Forbes dated November 5th entitled “Bid for Purchase of Electric Supplies.”

Roll call vote: Ayes – Hartkemeyer, Knight, Mittleman, Taylor, Buck, Christian and Mayor Sharp, Motion carried unanimously.

RESOLUTIONS

RESOLUTION NO. 1805-2008

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Mayor Sharp requested that the City Clerk read Resolution No. 1805-2008, by title only, whereupon Ms. Reagan read the following:

“A RESOLUTION TO AMEND RESOLUTION NO. 1778-2007 ADOPTING AN INTERLOCAL AGREEMENT FOR PUBLIC SCHOOL FACILITY PLANNING BETWEEN THE CITY OF JACKSONVILLE BEACH, THE CITY OF ATLANTIC BEACH, THE TOWN OF BALDWIN, THE CITY OF JACKSONVILLE, THE CITY OF NEPTUNE BEACH AND THE DUVAL COUNTY SCHOOL BOARD TO CONFORM SECTION 5.4.1.4(B) TO STATE LAW AS REQUESTED BY THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE THE AMENDED INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, to adopt Resolution No. 1805-2008, amending resolution No. 1778-2008 to revise Section 5.4.1.1(b) to bring the DRI exemption into compliance with statutory requirements.

Discussion: Mr. Forbes explained that the Florida Department of Community Affairs (DCA) reviewed the initial resolution passed in December 2007. They objected to the wording in section 5.4.1.4(b) which exempted Development of Regional Impacts (DRIs) submitted prior to the effective date of the agreement. Therefore the agreement had to be amended to reflect the DCA’s language to grandfather in DRIs that were submitted before the Legislature enacted the public school concurrency provisions.

Roll call vote: Ayes - Knight, Mittleman, Taylor, Buck, Christian, Hartkemeyer and Mayor Sharp, Motion carried unanimously.

ORDINANCES

ORDINANCE NO. 2008-7957 – FIRST READING

Mayor Sharp requested that the City Clerk read Ordinance No. 2008-7957, on its first reading, by title, whereupon Ms. Reagan read the following:

“AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; AMENDING CHAPTER 6, BEACHES AND BULKHEADS; ARTICLE 1, IN GENERAL; SECTION 6-5 (a) AND (b), SPECIAL PERMITS TO OPERATE BUSINESS ON BEACHES REQUIRED; TO UPDATE AND ADD REGULATIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT

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HEREWITH; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, to adopt Ordinance No. 2008-7959 delineating the conditions under which the City would grant a permit to operate a business on the beach, on its first reading.

Roll call vote: Ayes – Mittleman, Taylor, Buck, Christian, Hartkemeyer, Knight and Mayor Sharp, Motion carried unanimously.

ORDINANCE NO. 2008-7960 – FIRST READING

Mayor Sharp requested that the City Clerk read Ordinance No. 2008-7960, on its first reading, by title, whereupon Ms. Reagan read the following:

“AN ORDINANCE ALLOWING DOGS WITHIN THE OUTDOOR DINING AREAS OF PUBLIC FOOD SERVICE ESTABLISHMENTS UNDER CERTAIN CONDITIONS AS SET FORTH WITHIN FLORIDA STATUTES, ECTION 509.233, KNOWN AS THE DIXIE CUP CLARY CONTROL ACT, PROVIDING AN EFFECTIVE DATE AND AN EXPIRATION DATE.”

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, to adopt Ordinance No. 2008-7960 which allows dogs within the outdoor areas of restaurants under certain conditions, on its first reading.

Discussion: Jim Overby, 21 Burling Way – Spoke in opposition to the ordinance.
Sandy Golding, 1203 18th Ave., N – Spoke in favor of the ordinance.

Mr. Forbes explained that this ordinance is on its first reading, it must be read again and voted on a second time before it is adopted. He also noted that the ordinance and the State law allowing for this ordinance automatically expires on July 1, 2009 and will no longer be in force unless the State renews the law and the City adopts another ordinance.

Roll call vote: Ayes – Taylor, Buck, Christian, 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 7:23 pm.

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Submitted by: Heidi Reagan
City Clerk

Approval:

/s/Fland O. Sharp
Mayor

December 1, 2008
Date