

**Minutes of Regular City Council Meeting  
held Monday, February 6, 2012, at 7:00 P.M.  
In the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida.**



**CALL TO ORDER:**

Mayor Fland Sharp called the meeting to order.

**OPENING CEREMONIES:**

Invocation was by Council Member Buck. The Salute to the Flag was led by Scout David Wilson and the members of Boy Scout Pack 40, Webelos Den.

**ROLL CALL:**

Mayor: Fland Sharp

Council Members: Lee Buck Penny Christian Steve Hartkemeyer  
Rick Knight Tom Taylor Jeanell Wilson

Also present was City Manager George Forbes and Acting City Clerk Judy L. Bullock.

**APPROVAL OF MINUTES**

It was moved by Ms. Christian, seconded by Mr. Buck, and passed, to approve the following minutes, as presented:

- Special City Council Meeting held January 9, 2012
- Regular City Council Meeting held January 17, 2012

**ANNOUNCEMENTS**

**COURTESY OF THE FLOOR TO VISITORS**

Richard Brown, 716 Magnolia Street, Neptune Beach (retired Jacksonville Beach Firefighter) spoke in opposition to Resolution No. 1892-2012, adopted at the January 17, 2012, council meeting.

**MAYOR AND CITY COUNCIL**

**CITY CLERK**

**CITY MANAGER**

- (a) Approve the Special Events Schedule for 2012

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, to approve the Special Events & Recreation Schedule for 2012, as described in the memorandum from the Recreation & Parks Director, dated January 27, 2012.

Mr. Forbes advised that the City is concentrating on family-oriented events and is requesting that Council amend the Special Events Calendar for this year, by eliminating one of three planned outdoor movies and adding a second Jazz Series. He also drew councilmembers' attention to the list of events that take place in the City throughout the year. It was noted that the additional events are not sponsored by the City.

A brief discussion ensued regarding funding for advertising for the City and Bed-Tax monies.

Mr. Forbes explained that up to \$20,000 in bed-tax monies was used in the past for advertising the City's special events through printed brochures, working with the Chamber of Commerce and Tourism Office and in magazines.

Ms. Wilson asked why the budget for the Opening Day Parade had been increased.

Parks and Recreation Director Gary Meadors responded, due to construction and the number of entries in the parade, additional staffing and police presence are required.

Ms. Wilson commented that she was in agreement with the reduction in the outdoor movies; however she did not feel that an additional jazz concert was necessary.

Roll call vote: Ayes – Buck, Christian, Hartkemeyer, Knight, Taylor, and Mayor Sharp.  
Nay – Wilson. The motion passed by a 6 to 1 vote.

- (b) Authorize Advertisement for Construction Bids for the Oceanside Park Area Water Main Replacement Project (Between 4<sup>th</sup> and 9<sup>th</sup> Street South and 7<sup>th</sup> to 10<sup>th</sup> Avenue South)

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, to authorize advertisement for construction bids for the Oceanside Park Area Water Main Replacement Project, as explained in the memorandum from the Public Works Director, dated January 17, 2012.

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

**ITEM “c” under the City Manager was moved to follow Resolution 1894-2012**

## **RESOLUTIONS**

### (a) **Resolution No. 1891-2012 – PUBLIC HEARING**

Mike Burton, President & Project Director of Burton and Associates, reviewed the proposed Water & Sewer Financial Management Plan, dated November 7, 2011. (*copy on file*)

The plan included a comparative rate study which showed that Jacksonville Beach had lower rates than nine of its fellow agencies did. Mr. Burton also went over four rate adjustment options.

The Mayor noted that the City has 109 miles of water mains, 2,600 water valves, 850 fire hydrants, and 10,300 water services, 85 miles of sewer systems, approximately 2,000 manholes, and many of the pipes currently in use date back the 1950's, some being made of clay.

#### **Public Hearing**

Mayor Sharp opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the resolution.

Seeing no one who wished to address the council, Mayor Sharp closed the public hearing.

At this time Mayor Sharp requested that the Acting City Clerk read Resolution No. 1891-2012, by title; whereupon Ms. Bullock read the following:

**“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, ADOPTING A SCHEDULE OF RATES, CHARGES, AND FEES FOR THE CITY’S UTILITIES IN GENERAL AND FOR THE CITY’S WATER AND SEWER SYSTEM UTILITY; REPEALING RESOLUTIONS OR PARTS OF RESOLUTIONS THAT CONFLICT WITH THIS RESOLUTION; AND ESTABLISHING AN EFFECTIVE DATE.”**

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, to adopt Resolution No. 1891-2012, establishing a Schedule of Rates, Charges, and Fees for the City’s Utilities in General and for the City’s Water and Sewer System Utility, as read by title only.

A brief discussion ensued concerning the age and condition of the pipes currently in use and which rate option would be best for the customer and for the maintenance of the City’s water and sewer system. Ms. Wilson advised that she would be in favor of Option I.

Council members asked Mr. Forbes which option was best and he advised, following two workshops on the issue, council members had requested that “Option 4” be used in the resolution. Mr. Forbes added that the council can amend the resolution using any of the four rate options.

**Motion for Rate Adjustment Option**

Amended Motion: It was moved by Mr. Knight, seconded by Mr. Hartkemeyer, to amend Resolution No. 1891-2012, to reflect Rate Adjustment Option 3.

Roll call vote: Ayes – Hartkemeyer, Knight, Taylor, Buck, and Mayor Sharp  
Nays – Christian and Wilson. Motion carried by a vote of 5-2.

**Motion to Adopt as Amended**

It was moved by Ms. Christian, seconded by Mr. Buck, to adopt Resolution No. 1891-2012, establishing a Schedule of Rates, Charges, and Fees for the City’s Utilities in General and for the City’s Water and Sewer System Utility, as amended, as read by title only. (*Amendment – Rate Adjustment Option 3*)

Roll call vote: Ayes – Knight, Taylor, Buck, Hartkemeyer, and Mayor Sharp  
Nays – Christian and Wilson. Motion carried by a vote of 5-2.

(b) **Resolution No. 1894-2012**

Mayor Sharp requested that the Acting City Clerk read Resolution No. 1894-2012, by title; whereupon Ms. Bullock read the following:

**“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, SUPPORTING THE CONTINUATION OF THE ST. JOHNS RIVER FERRY SERVICE** (Requested by Mayor Pro-Tem Christian)

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, to adopt Resolution No. 1894-2012, supporting the continuation of the St. Johns River Ferry Service, as read by title only.

Speakers: Elaine Brown, 1302 Neptune Grove E., Neptune Beach, spoke in favor of the resolution.

Sandy Golding, 1203 N 18<sup>th</sup> Avenue, Jacksonville Beach, spoke in favor of the resolution.

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

**CITY MANAGER**

- (c) Authorize the City to Enter an Agreement with Other Water Utilities to Continue the Assessment of Groundwater Resource Sustainability in Northeast Florida

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, to authorize the City Manager to execute the Memorandum of Agreement between the City of Jacksonville Beach and Other Northeast Florida Water Utilities to Assess Groundwater Resource Sustainability, as described in the memorandum from the Public Works Director, dated January 23, 2012.

Discussion: Mr. Forbes explained that the agreement authorizes the City to work with other water utilities in NE Florida by combining resources to hire technical consultants and legal support services for working with the St. Johns River Water Management District on more accurate and best groundwater models for water resource sustainability.

The utilities include:

- City of Atlantic Beach
- Clay County Utility Authority
- City of Gainesville
- JEA
- City of Neptune Beach
- Town of Orange Park
- City of Green Cove Springs
- St. Johns County

The City's financial share of the cost is 1.44% or \$7,204 for each of the three years.

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

**ORDINANCES**

- (a) **Ordinance No. 2012-8014 – Second Reading – Public Hearing**

Mayor Sharp requested that the Acting City Clerk read Ordinance No. 2012-8014, on its second reading, by title; whereupon Ms. Bullock read the following:

**“AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT DISTRICT: PUD ORDINANCE NO. 97-7704, AS AMENDED, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND PLAN FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER**

**CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.”**  
(This is a requested boundary change for the Ocean Cay residential subdivision.)

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, to adopt Ordinance No. 2012-8014, approving an amendment to the Ocean Cay Planned Unit Development: PUD to allow a requested modification to the PUD boundary line and legal description, on its second reading, as read by title only.

**Public Hearing**

Mayor Sharp opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the ordinance.

Seeing no one who wished to address the council, Mayor Sharp closed the public hearing.

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

(c) **Ordinance No. 2012-8015 – Second Reading – Public Hearing**

Mayor Sharp requested that the Acting City Clerk read Ordinance No. 2012-8015, on its second reading, by title; whereupon Ms. Bullock read the following:

**“AN ORDINANCE TO AMEND PLANNED UNIT DEVELOPMENT DISTRICT: PUD ORDINANCE NO. 2003-7865, SUPPLEMENTING THE COMPREHENSIVE ZONING REGULATIONS AND PLAN FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.”**  
(This is a requested boundary change for the Paradise Key residential subdivision.)

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, to adopt Ordinance No. 2012-8015, approving an amendment to the Paradise Key Planned Unit Development: PUD to allow a requested modification to the Planned Unit Development boundary line, on its second reading, as read by title only.

**Public Hearing**

Mayor Sharp opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the ordinance.

Seeing no one who wished to address the council, Mayor Sharp closed the public hearing.

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

(d) **Ordinance No. 2012-8016 – Second Reading**

Mayor Sharp requested that the Acting City Clerk read Ordinance No. 2012-8016, on its second reading, by title; whereupon Ms. Bullock read the following:

**“AN ORDINANCE AMENDING CHAPTER 32, UTILITIES, OF THE CODE OF ORDINANCES FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA; UPDATING ARTICLE I REGULATING CITY UTILITIES IN GENERAL; UPDATING ARTICLE II REGULATING THE WATER AND SEWER SYSTEMS UTILITY; ADDING ARTICLE VI ESTABLISHING AND REGULATING THE RECLAIMED WATER SYSTEM UTILITY; REPEALING ORDINANCES OR PARTS OF ORDINANCES THAT CONFLICT WITH THIS ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.”**

Motion: It was moved by Ms. Christian, seconded by Mr. Buck, to adopt Ordinance No. 2012-8016, amending Chapter 32, UTILITIES, of the Jacksonville Beach Code of Ordinances, on its second reading, as read by title only.

Discussion: Mr. Knight advised that he would like to offer amendments to the ordinance to clarify the property owners’ and City’s responsibilities.

**Motion to amend Ordinance**

It was moved by Mr. Knight, seconded by Mr. Hartkemeyer, to amend Ordinance No. 2012-8016, as follows:

- **Section 1**
  - Section 32-18(a) – The property owner or consumer is responsible for the water service lateral piping from the premises’ facilities to the adjacent city right-of-way or to the connection with the City’s water main, whichever is applicable.
  - Section 32-18(b) – The property owner or consumer is responsible for the sewer service lateral piping from the premises’ facilities to the adjacent city right-of-way or to the connection with the City’s sewer main, whichever is applicable.
  - Section 32-27(c) – title *City reserves authority to work on water service lateral piping and sewer service lateral piping,*

In the best interests of the safety and health of the public, the city may clean, repair, maintain and/or bring into code compliance water service lateral piping or sewer service lateral piping, where these pipes are on city land or rights-of-way.

- **Section 4**

- That this ordinance shall take effect on February 29, 2012, after its adoption by the City Council.

Roll call vote to amend: Ayes – Hartkemeyer, Knight, Taylor, Wilson, Buck, Christian, and Mayor Sharp; motion carried unanimously.

**Motion to Adopt as Amended**

It was moved by Ms. Christian, seconded by Mr. Buck, to adopt Ordinance No. 2012-8016 amending Chapter 32, UTILITIES, of the Jacksonville Beach Code of Ordinances, as read by title only, as amended.

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

**ADJOURNMENT**

There being no further business coming before the Council, Mayor Sharp adjourned the meeting at 7:56 p.m.

Submitted by: Judy L. Bullock  
Acting City Clerk

Approval:

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Fland O. Sharp, Mayor

Date: February 20, 2012