

**Minutes of Regular City Council Meeting
Held Monday April 4, 2005 at 7:00 P.M.
In the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida.**



Call to Order

Mayor Fland Sharp called the meeting to order.

Opening Ceremony

Invocation by Council member Rick Knight; Salute to the Flag.

Roll Call

Mayor: Fland Sharp

Council members: Lee Buck Penny Christian Rick Knight
Dick Matthews Martha Ann Sibley Linda Spence

Also present were City Manager George Forbes, City Attorney Stephen Stratford and Assistant City Clerk Judy Bullock.

Approval of Minutes

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, and passed, to approve the minutes of the following meetings, as presented:

Regular Meeting held March 21, 2005
Council Workshop held March 28, 2005

Communications

There were no communications.

Mayor "a"

2004 Tree City USA Award

Mayor Sharp presented the award to Committee Chair, Bennie Furlong. It was noted that this is the sixteenth year that Jacksonville Beach has received the prestigious designation of Tree City USA.

Courtesy of Floor to Visitors

Speaker: Floyd Sewell, 1831 Ocean Drive South, Jacksonville Beach, presented a petition (*on file*) against the proposed dune walkover at 18th Avenue South and requested that the walkover be eliminated. He cited the very tall dunes at that location and the lack of a beach view from surrounding properties.

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Speaker: Christopher Langham, 530 13th Avenue South, Jacksonville Beach, expressed appreciation to the Council for cleaning the vacant lots on the southend of the beach. He also shared his concerns about the disrepair of the sidewalks along 9th Street South between Shetter Avenue and 13th Avenue South.

Mayor Sharp advised that the problem should be rectified when 9th Street South is rebuilt, as there will be new sidewalks and landscaping installed. Mayor Sharp asked City Manager George Forbes about the timeline for construction.

Mr. Forbes responded that there is no date set, as there is no funding available at this time.

Mr. Langham also addressed the Council concerning the parking of vehicles along 13th Avenue South. He stated that it is very dangerous as the road is a major thoroughfare.

Mayor Sharp requested that the City Manager provide Mr. Langham with a copy of the plans for 9th Street South and contact him about the parking issue on 13th Avenue South.

Speaker: Dale Gaines, 1843 Ocean Drive South, Jacksonville Beach, advised that he is opposed to the installation of a dune walkover at 18th Avenue South. Mr. Gaines referenced the petition and asked what the process was to have the matter brought back for discussion.

Mayor Sharp replied that the City Manager would contact interested parties before any construction begins.

Speaker: Hilda Sewell, 1831 Ocean Drive South, Jacksonville Beach, also spoke in opposition to the construction of a dune walkover at 18th Avenue South. She suggested that the funds allocated for construction of that walkover be used to upgrade the walkover at 19th Avenue South. Ms. Sewell added that skateboarders are already a problem at 18th Avenue South and the problem will worsen with a walkover to skate on.

City Council “a”

Request from Players By the Sea for Matching Funds (Council member Sibley)

Council member Sibley explained that she had recently visited the theatre which is located in the former Beach Laundry building. She advised that the group has done an outstanding job in renovating the building. However, they are now required to make changes to comply with the State of Florida Fire and Life Safety Codes and they do not have the funding. Ms. Sibley advised that the City of Jacksonville has a matching funds grant program that the organization would like to apply for.

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Speaker: Joseph Schwartz, 106 North 6th Street, Jacksonville Beach, representing Players By The Sea addressed the Council concerning the contribution request. Mr. Schwartz explained that the new Fire Code requires upgrade of the alarm system and smoke ventilators over the stage. He advised that the total cost of the upgrades will be \$24,931 and they are requesting a donation of \$12,500 from Jacksonville Beach. The donation would assist the organization in securing a matching grant from the City of Jacksonville Capital Grant Program.

Discussion: Council member Buck asked if they were requesting funds from the other two beach cities.

Mr. Schwartz advised that they haven't as of yet.

Speaker: Scott Chesnut, 224 South 2nd Avenue, #16, Jacksonville Beach, spoke in favor of the contribution and cited the importance of arts in the community.

Motion: It was moved by Ms. Sibley, seconded by Mr. Buck, to contribute \$6,000 to Players By The Sea (*for a matching funds grant to bring the theatre into compliance with Fire and Life Safety Codes*).

Substitute Motion: Following a brief discussion concerning a pro rata share between the three beach communities, it was moved by Mr. Knight, seconded by Ms. Sibley, to contribute \$6,250 to Players By The Sea (*for a matching funds grant to bring the theatre into compliance with Fire and Life Safety Codes*).

Discussion: Mr. Forbes asked if the contribution was contingent upon the organization obtaining funds from the other beach cities.

Council members concurred that the contribution of funds was not contingent upon the obtaining funding from the other beach cities.

Roll call vote on the substitute motion: Ayes – Buck, Christian, Knight, Matthews, Sibley, Spence and Mayor Sharp.

Motion carried unanimously.

City Manager “a”

Renewal of Mutual Aid Agreement with Nassau County Sheriff’s Office

Motion No. 1: It was moved by Ms. Spence, seconded by Ms. Sibley, to authorize the Mayor and City Manager to renew the mutual aid agreement between the Jacksonville Beach Police Department and the Nassau County Sheriff’s Office.

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Discussion: Mr. Forbes advised that this mutual aid agreement is only one of many we have across the state. He went on to explain that the agreement allows both agencies to render voluntary assistance and both agencies are responsible for their own personnel, including compensation and any equipment furnished by the individual agencies. Additionally, a political subdivision that furnishes equipment pursuant to the agreement must bear the cost of loss or damage to that equipment and must pay any expense incurred if an officer gets hurt.

Roll call vote: Ayes – Christian, Knight, Matthews, Sibley, Spence, Buck and Mayor Sharp.

Motion carried unanimously.

Motion No. 2: Authorize the Mayor and City Manager to execute new mutual aid agreements and renew mutual aid agreements that are substantially in conformance with the agreement in effect with the Jacksonville Sheriff’s Office.

Roll call vote: Ayes – Knight, Matthews, Sibley, Spence, Buck, Christian and Mayor Sharp.

Motion carried unanimously.

City Manager “b”

Draw from Equitable Sharing Fund to Purchase In-Car Video System

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, for authorization to expend \$4,435.50 from the Equitable Sharing Fund for the purchase of an in-car video system for a patrol vehicle (*purchased under General Services Administration Contract #GS-07F-0192N – from Kustom Signal, Inc.*)

Mr. Forbes explained that this equipment is needed for an officer that performs a substantial amount of DUI enforcement.

Roll call vote: Ayes – Matthews, Sibley, Spence, Buck, Christian, Knight and Mayor Sharp.

Motion carried unanimously.

City Manager “c”

Request for Approval to Donate Surplus SCBA Breathing Equipment to the Wilkinson County, Georgia, Fire Department

- List of Equipment:
- 2 - MSA Ultra Lite Airpacks
 - 2 - MSA 401 Airpacks
 - 9 - SCBA Air Bottles 2,216 psi
 - 2 - SCBA Air Bottles 3,000 psi
 - 2 - Scott Airpacks

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(It was noted that the equipment is outdated and no longer meets NFPA standards; has little or no value to the fire department and has been included in the Sale of Surplus Equipment, Resolution No. 1724-2005.)

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, for approval by the City Council to donate the above listed surplus SCBA breathing equipment to the Wilkinson County, Georgia Fire Department *(There will be no expense incurred by the City and it will be understood that there is no guarantee for the equipment nor any assumed liability for its use.)*

Roll call vote: Ayes – Sibley, Spence, Buck, Christian, Knight, Matthews and Mayor Sharp.

Motion carried unanimously.

City Manager “d”

Ratification of Contract with the International Association of Firefighters (IAFF)

Motion: It was moved by Ms. Spence, seconded by Ms. Christian, for City Council to ratify the contract with the International Association of Firefighters, effective March 4, 2005, as outlined in the March 23, 2005, memo from Sue Taylor, Human Resources Director, titled “Ratification of Contract with the International Association of Firefighters (IAFF)” and authorize the Mayor and City Manager to execute the contract.

Roll call vote: Ayes – Spence, Buck, Christian, Knight, Matthews, Sibley and Mayor Sharp.

Motion carried unanimously.

RESOLUTIONS:

RESOLUTION NO. 1725-2005

Mayor Sharp requested that the Assistant City Clerk read Resolution No. 1725-2005 by title; whereupon Ms. Bullock read the following:

“A RESOLUTION AMENDING THE CITY OF JACKSONVILLE BEACH PAY AND CLASSIFICATION PLAN FROM DEPARTMENT DIRECTORS AND NONUNION MANAGERIAL, PROFESSIONAL, ADMINISTRATIVE AND UNCLASSIFIED CITY POSITIONS EFFECTIVE MARCH 4, 2005.”

Motion: It was moved by Ms. Spence, seconded by Ms. Christian, for City Council to adopt Resolution No. 1725-2005 amending the Pay and Classification Plan for Department Directors and Managerial, Professional, Administrative and Unclassified Positions effective March 4, 2005.

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Mr. Forbes advised that the resolution provides non-union employees with the same pay increases that the union employees will receive.

Roll call vote: Ayes – Buck, Christian, Knight, Matthews, Sibley, Spence and Mayor Sharp.

Motion carried unanimously.

RESOLUTION NO. 1724-2005

Mayor Sharp requested that the Assistant City Clerk read Resolution No. 1724-2005 by title; whereupon Ms. Bullock read the following:

“A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY.”

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Resolution No. 1724-2005.

Roll call vote: Ayes – Christian, Knight, Matthews, Sibley, Spence, Buck and Mayor Sharp.

Motion carried unanimously.

ORDINANCES:

ORDINANCE NO. 2005-7900 – SECOND READING

Mayor Sharp requested that the Assistant City Clerk read Ordinance No. 2005-7899 on its second reading by title; whereupon Ms. Bullock read the following:

“AN ORDINANCE TO AMEND AN ORDINANCE ENACTING AND ESTABLISHING A COMPREHENSIVE LAND DEVELOPMENT REGULATION AND OFFICIAL ZONING MAP FOR THE INCORPORATED AREA OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS AUTHORIZED BY CHAPTER 163.3202, FLORIDA STATUTES, TO INSERT CERTAIN TECHNICAL CORRECTIONS TO THE BUILDING HEIGHT REGULATIONS OF THE LAND DEVELOPMENT CODE RESULTING FROM THE APPROVAL OF AN AMENDMENT TO SECTION 52. ZONING AUTHORITY OF THE JACKSONVILLE BEACH CITY CHARTER; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.”

Speaker: Thad Mosely, 3701 Duval Drive, Jacksonville Beach, read a prepared statement concerning the Height Amendment and its adverse effect on the value of properties

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for redevelopment; and requested that it become part of the official record of the meeting. (*copy of statement attached to original minutes*)

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2005-7899, that will amend the Land Development Code (LDC) to insert the 35-foot height limitation and other related technical corrections to ensure that the Land Development Code is in conformance with the City Charter.

Roll call vote: Ayes – Knight, Matthews, Sibley, Spence, Buck, Christian and Mayor Sharp.

Motion carried unanimously.

ORDINANCE NO. 2005-7901 – FIRST READING

Mayor Sharp requested that the Assistant City Clerk read Ordinance No. 2005-7901 on its first reading by title; whereupon Ms. Bullock read the following:

“AN ORDINANCE AMENDING CHAPTER 5, “ANIMALS AND FOWL”, ARTICLE II, DIVISION 1, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY RESCINDING SECTIONS 5-23. “DEFINED.”; 5-24. “ANIMAL CONTROL OFFICER.”; AND 5-32. “VICIOUS DOGS RUNNING AT LARGE; DEFINED.”; CREATING NEW SECTIONS 5-23. “DEFINITIONS.”; 5-24. “DANGEROUS DOGS.”; 5-24.1. “ATTACK OR BITE BY DANGEROUS DOG.”; AND 5-24.2. “PENALTY.”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.”

Speaker: James Overby, 21 Burling Way, Jacksonville Beach, provided a handout (*on file*) and addressed the Council concerning the keeping/owning of “fighting dogs” in Jacksonville Beach and requested that the proposed ordinance include the language from “F.S. 828.122, Fighting or baiting animals; offenses; penalties.”

Mayor Sharp thanked Mr. Overby and advised that staff would look into the issue.

Speaker: Rev. Jeff Vinson, 1602 Arden Way, Jacksonville Beach, distributed a handout (*on file*) delineating a time-line of actions/activities following his attack by a neighbor’s dogs. Rev. Vinson stated that there are problems with the proposed ordinance and he is opposed to its adoption. He also stated that he agrees with the involvement of the Codes Enforcement Board for enforcement of the law, but there should be volunteers/citizens on the Board that are not appointed by the City Manager.

Mayor Sharp thanked Rev. Vinson for his remarks and advised that they would be taken under consideration.

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Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2005-7901 that will update the City's animal control ordinances by providing for sections that will address dangerous dogs, attacks or bites by a dangerous dog, definitions, and penalties.

Discussion: Council member Spence expressed concern about a recent occurrence she observed in the pier parking lot. Ms. Spence advised that there were a large number of people gathered with aggressive looking dogs on chains. She remarked that it created a feeling of unease.

Mr. Forbes advised that the definition of "dangerous dog" in the proposed ordinance covers dogs trained for fighting and requires that the animal must be kept indoors or in a secure enclosure with a top. He added that the ordinance also contains penalties for the owner of such animal, from a misdemeanor of the first degree, misdemeanor of the second degree, to a felony of the third degree, if a dog attacks or causes severe injury. Mr. Forbes ended his remarks by advising that he does not appoint members to the Codes Enforcement Board, and that they are citizen volunteers appointed by the City Council.

Mayor Sharp commented that it should be illegal to possess a fighting animal and he reiterated Mr. Forbes remarks concerning the composition and appointment of the Codes Enforcement Board.

Roll call vote: Ayes – Matthews, Sibley, Spence, Buck, Christian, Knight and Mayor Sharp.

Motion carried unanimously.

ORDINANCE NO. 2005-7902 – FIRST READING – PUBLIC HEARING

Mayor Sharp requested that the Assistant City Clerk read Ordinance No. 2005-7902 on its first reading by title, with a public hearing being held; whereupon Ms. Bullock read the following:

“AN ORDINANCE AMENDING A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, ENACTED PURSUANT TO ORDINANCE NO. 94-7601, AS PROVIDED UNDER THE JACKSONVILLE BEACH LAND DEVELOPMENT CODE, CHAPTER 34 OF CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH.”

Mayor Sharp read the following statement for the record:

“This ordinance for the rezoning of property is before this Council for a public hearing and consideration on its first reading. Under the laws of the State of Florida, an application for the rezoning of property is handled as a ‘quasi-judicial’

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proceeding. A quasi-judicial proceeding means that a governing body is now functioning in a manner similar to a court with the Mayor and Council sitting as impartial decision makers hearing testimony and questioning presenters, who are to provide substantial and competent evidence to support their side of the issue. It is the duty of the Council to arrive at sound decisions regarding the use of property within the City. This includes receiving citizen input regarding the proposed use on the neighborhood, especially where the input is fact-based and not a simple expression of opinion.

It is the applicant's burden to demonstrate that their application is consistent with the Land Development Code and the Comprehensive Plan. If the applicant is successful in showing consistency, then it is up to the local government to produce competent, substantial evidence of record that the application should be denied. The Council's decision on a rezoning application is based on the criteria set forth in Section 34-211 of the Land Development Code. Each member of the Council has been provided a copy of the criteria.

In addition, the Council has received a copy of the application and the staff and Planning Commission reports on this rezoning request.

I will now open the public hearing on Ordinance No. 2005- 7902.”

Applicant: Brenda Durden, 9428 Baymeadows Road, Jacksonville, representing Target Corporation, advised that the company is requesting an expansion of their existing Jacksonville Beach store. The requested amendment to the PUD would increase the existing store by approximately 16,500 square feet. Ms. Durden stated that the hearing was properly advertised and duly noticed; and that the request for expansion of the store is in compliance with the Comprehensive Plan requirements. She added that the application and traffic study have been submitted, the landscaping standards are being exceeded and, in her opinion, they [Target Corp.] have produced competent substantial evidence for approval, including a recommendation for approval from city staff. Ms. Durden also asked Council to allow the audio recording of the presentation of this request to the Planning Commission to be made part of the official record of this meeting.

Steve Eggert, Real Estate Manager, Target Corporation, Minneapolis, Minnesota, advised that this project is very important to the corporation and its customers. Mr. Eggert explained that he is currently working on expansion of approximately 30 stores. The stores were built in the early nineties and are now not large enough to accommodate current merchandising. Mr. Eggert likened the Jacksonville Beach store to a “junior” store, in comparison to the stores being built today.

Speakers: Dean Thompson, 2067 Green Heron Pt., Jacksonville Beach, distributed a hand-out (*copy on file*) of suggested conditions to be placed on the PUD modification, if

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approved, and spoke in opposition to the ordinance. The suggested conditions are as follows:

1. Target shall agree that an employee parking policy will be established so that when the store expansion is completed employee parking will be at the south (back) side of the expanded building and that Target will provide for an employee entry/exit door near this parking area.
2. Store hours of open operation shall be restricted to 8:00 a.m. to 10:00 p.m.

Mayor Sharp asked if the City Attorney or the Director of Planning & Development wished to respond to any of the comments by the applicant or the public.

Steve Lindorff, Director of Planning & Development, stated that the Planning Commission had suggested that the easterly façade of the building be upgraded in terms of landscaping. Following the suggestion of the Planning Commission, Mr. Lindorff advised that he had put together a recommendation to soften that side of the building.

Speakers: At this time, James Overby, 21 Burling Way, Jacksonville Beach, advised that he would like speak on the issue. Mr. Overby spoke in opposition to the ordinance and cited traffic difficulties and a negative impact on the surrounding neighborhood.

Scott Chesnut, 224 South 2nd Avenue, #16, Jacksonville Beach, spoke in favor of the ordinance.

Bennie Furlong, 1820 Tanglewood Road, Jacksonville Beach, spoke in favor of the ordinance and offered her assistance in planning the landscaping for the easterly side of the building.

Mr. Lindorff came forward once again and addressed the traffic concerns on Marsh Landing Parkway and South Beach Parkway. He advised that the study completed on the roadways included the proposed expansion of the Target store. Mr. Lindorff also stated that the Target Corporation will be required to contribute their proportionate share (0.7%) of the cost of constructing the improvements, identified in the Edwards and Kelcey traffic study.

Ms. Durden responded to speaker comments/concerns and advised that the parking spaces are adequate for the expansion and actually exceed the requirements.

There being no one else wishing to address the ordinance, Mayor Sharp closed the public hearing and read the following:

“Before requesting a motion on this ordinance, beginning with myself, each of the members of the council is requested to indicate for the record, both the names of

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persons and the substance of any *ex parte* communications regarding this application. An *ex parte* communication refers to any meeting or discussion with a person or citizen who may have an interest in this decision, which occurred outside of the public hearing process”

Ex Parte Communications –

Mayor Sharp - none

Council member Knight – Mr. Eggert, Ms. Durden and Mr. Shilling

Council member Sibley - staff

Council member Spence – Ms. Durden, Mr. Eggert and Mr. Shilling

Council member Matthews – Ms. Durden, Mr. Eggert, Mr. Shilling and staff

Council member Buck – Ms. Durden, Mr. Eggert, Mr. Shilling and staff

Council member Christian - Ms. Durden, Mr. Eggert, Mr. Shilling and staff

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to:

1. Adopt Ordinance No. 2005-7902, that revises the Planned Unit Development for the *South Beach Parkway Shopping Center* to allow for the expansion of Target.
2. Amend Ordinance No. 2005-7902 Exhibit B, Revised Landscape Plan governing the *South Beach Parkway Shopping Center* by modifying the Landscape Plan to add the provision that the applicant shall provide a minimum of either fifteen (15) additional Live Oak trees, fifteen (15) Sylvester Palms, or a combination thereof, along the easterly wall of the expanded Target store as approved by the Director of Planning and Development.

Mayor Sharp read the following statement for the record:

“Before opening the floor for discussion or questions by the Council, please be reminded that our decision will be based on the criteria set forth in the Land Development Code, and the Council is required to approve a clear statement of specific findings of fact stating the basis upon which such facts were determined and the decision was made.”

Mayor Sharp opened the floor for Council discussion.

Council Discussion:

Ms. Sibley asked if the parking in the southern portion of the lot was designated for employees and if there is an entrance in the back for employees.

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Ms. Durden advised that the parking is not designated for anyone in particular and to her knowledge, there is an employee entrance in the back.

Mayor Sharp asked what the hours of operation will be.

Ms. Durden responded that the operating hours are 8:00 a.m. to 10:00 p.m.

There being no further discussion, Mayor Sharp closed the discussion and called for the vote.

Roll call vote: Ayes – Sibley, Spence, Buck, Christian, Knight, Matthews and Mayor Sharp.

Motion carried unanimously.

ORDINANCE NO. 2005-7903 – FIRST READING

Mayor Sharp requested that the Assistant City Clerk read Ordinance No. 2005-7903 on its first reading by title; whereupon Ms. Bullock read the following:

“AN ORDINANCE AMENDING SECTION 5-28, “LEASH REQUIRED FOR DOGS IN PUBLIC PLACES”, OF CHAPTER 5, “ANIMALS AND FOWL”, ARTICLE II, DIVISION 1, OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY PROVIDING AN EXCEPTION TO THE LEASH REQUIREMENTS FOR DOGS WHILE WITHIN THE PHYSICAL BOUNDARIES OF THE CITY’S DOG PARK; CREATING A NEW SECTION 5-34, “DEFECATION DISPOSAL”; AND CREATING A NEW SECTION 5-44, “RABIES INOCULATION AND TAG REQUIRED FOR DOG PARK”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.”

Motion: It was moved by Ms. Spence, seconded by Ms. Christian, to adopt Ordinance No. 2005-7903 to update the City’s animal control ordinances regarding dogs inside the Dog Park and removal of dog defecation by dog owners.

Discussion: Mayor Sharp remarked that this ordinance is important as it requires pet owner’s to dispose of their animal’s waste.

Mr. Forbes explained that the ordinance accomplishes three purposes:

1. It will allow dogs in the new Dog Park to be unleashed.
2. The ordinance requires immediate removal of dog defecation by its owner/handler within the new Dog Park as well as from any other property within the city.

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3. Lastly, it requires dogs to have a current rabies inoculation and to be wearing a current rabies tag at all times with the boundaries of the Dog Park.

Roll call vote: Ayes – Spence, Buck, Christian, Knight, Matthews, Sibley and Mayor Sharp.

Motion carried unanimously.

Adjournment

There being no further business coming before the Council, Mayor Sharp adjourned the meeting at 8:27 P.M.

Judy L. Bullock,
ASSISTANT CITY CLERK

Council Approval: _____

Date: _____

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STATEMENT TO THE CITY COUNCIL OF JACKSONVILLE BEACH APRIL 4, 2005

At the beginning of the redevelopment effort less than one third of the buildings in the Community Redevelopment Area were rated as sound. The blight was profound. Jacksonville Beach made a commitment to redevelopment. Some of the fruits of this commitment and constant hard work are here today:

- Intact upgraded street ends with walkovers and a commitment to improved outfalls
- A new 1300 foot fishing pier in the right place
- Plaza, Pavilion and City Hall
- Oceanfront Park
- Extraordinary public parking and great beach access

This is provided and paid for in large part by tax increment funds generated by the dramatic increase in taxable values in the Redevelopment Area.

Relying on Jacksonville Beach's commitment to redevelopment my wife and I moved to Jacksonville Beach and invested in (3) apartment buildings located in the Redevelopment Area of Jacksonville Beach. These locations were selected and purchased because of our intention to redevelop them under the rules in effect prior to the November 2, 2004 adoption of the 35 foot Height Cap Amendment.

Under the rules at the time of purchase and until last November the 2nd, our location at 120-122 Fourth Avenue North could be redeveloped to a height of 50 feet. Because of the Charter Amendment which you are conforming your ordinances to tonight we are now limited to a height of 35 feet. Under the rules at the time of purchase and until last November 2nd our location at 801 First Street South could be redeveloped to a height of 44.7 feet as measured from the oceanside yard. Because of the Charter Amendment which you are conforming your ordinances to tonight we are now limited to 35 feet as measured from the crown of the road. Both of these locations are across the street from buildings taller than 35 feet.

The Height Cap Amendment and the conforming of Jacksonville Beach Ordinances to this Amendment significantly and adversely affect the value of our properties for redevelopment.

Thad Moseley