

**Minutes of Regular City Council Meeting  
Held Monday June 6, 2005 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 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, City Clerk Heidi Reagan 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 meeting, as presented:

Regular Meeting held May 16, 2005

**Communications**

None

**Courtesy of Floor to Visitors**

Jim Overby, 21 Burling Way, extended his appreciation to the Council for their concern while he was hospitalized.

Bama Israel, 818 North 8<sup>th</sup> Avenue, Jacksonville Beach, addressed the Council concerning possible tree removal from the City alleyway. She advised that she was not in favor of any trees being removed.

**Mayor "a"**

**Presentation by Jim Overton, Property Appraiser**

Mr. Overton was not present.

**Minutes of Regular City Council Meeting  
held Monday June 6, 2005**

**Mayor “b”**

**Presentation on Beach Renourishment by Kevin Bodge, Olsen Associates, Inc .**

Mr. Bodge presented a PowerPoint presentation on the Beach Renourishment Project (copy on file).

He explained that the pipeline is already in place at 30<sup>th</sup> Avenue South and work could begin as early as June 11, 2005. The work will proceed northward to Hanna Park. Mr. Bodge advised during last year’s hurricanes it was found that the areas of the oceanfront that had been renourished, prevented wave damage to the oceanfront homes/properties. However, in the areas where no renourishment had taken place; there was extreme damage to the oceanfront homes/properties.

Mr. Bodge stated that approximately 708,300 cubic yards of sand will be pumped onto the beach and the sand quality will be close to that of the sand placed on the beach in 1995. He added that the cost of the project is mainly funded with federal monies.

**City Clerk “a”**

**Appointments to the Planning Commission and the Redevelopment Agency**

Motion: Following a brief discussion concerning current alternate members, additional persons requesting appointment to the Planning Commission or Redevelopment Agency, it was moved by Ms. Sibley, seconded by Mr. Knight, to table the item until the June 20, 2005, meeting, to allow time for the Council to receive additional information before making the appointments.

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

Motion carried unanimously.

**City Manager “a”**

**Approval of Final Design of Infrastructure Improvements for 10<sup>th</sup>/21<sup>st</sup> Street North Area**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to approve the final design of the 20<sup>th</sup> & 21<sup>st</sup> Street North Area Roadway and Drainage Improvements Project with *SJM Engineering* at a cost of \$40,300.00 plus a 10% contingency, for a total cost not to exceed \$44,330.00.

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

Motion carried unanimously.

**Minutes of Regular City Council Meeting  
held Monday June 6, 2005**

**City Manager “b”**

**Insurance Renewals and Third Party Administration for Cafeteria Plan/Employee Flex Spending Account**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to approve renewal of contracts with:

- Humana for employee health insurance
- CompBenefits for employee dental insurance
- Guarantee Life for employee term life insurance
- Medcom for third part administration of the flex cafeteria plan
- Dave Polovina of All Florida Insurance as health insurance agent

The contracts shall be renewed as outlined in the memorandum dated May 26, 2005, from Sue Taylor, Human Resources Director and titled “Insurance Renewals and Third Party Administration for Employee Cafeteria Plan/Flex Spending Account”.

Discussion: Mr. Buck commended city staff on the professionalism of the review and information provided.

Mayor Sharp advised that he was going to vote against the motion, as he is not in agreement with the change in drug coverage.

Roll call vote on motion resulted in ayes from – Knight, Matthews, Sibley, Spence, Buck, and Christian; with Mayor Sharp voting no.

Motion carried by a vote of 6-1.

**City Manager “c”**

**Approval of Additional Convention and Development Funds for Advertising**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to approve additional funding for destination advertising from the Bed Tax Revenues of \$11,388 which includes \$5,845.67 in private contributions made in support of last years advertising plan that were not spent.

Discussion: Mr. Forbes introduced Special Event Coordinator, Marilyn Matejcek and explained that she does an outstanding job and works closely with the Chamber of Commerce and Visitors Bureau to promote the city. He added that the city collects Bed Tax monies, of approximately \$35,000, which were budgeted for advertising the beach for tourism. Mr. Forbes stated that \$11,388 additional funds are being requested and he recommends approval of the request.

**Minutes of Regular City Council Meeting  
held Monday June 6, 2005**

Mr. Matthews added that staff is doing a great job of promoting the city.

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

Motion carried unanimously.

**City Manager “d”**

**Request for Approval to Purchase Rotary Mower for Grounds Maintenance Division using Florida State Contract**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to approve the purchase of a Toro rotary mower from *Wesco Turf Supply*, using the State of Florida Contract. (*Purchasing Contract No. 515-630-03-1, Toro Groundsmaster 3280-D - \$17,183.00*)

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

Motion carried unanimously.

**City Manager “e”**

**Draw from Equitable Sharing Fund for the Purchase of Equipment for the Police Department**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, for approval to expend \$28,566 from the Equitable Sharing Fund to purchase equipment for the Police Department, as noted in a May 24, 2005, memorandum from Chief Thomason entitled, “Draw from Equitable Sharing Fund for the Purchase of Equipment”.

Discussion: Mr. Forbes explained that the items to be purchased are basically safety and training equipment for the SWAT Team, which will be purchased from “Confiscated Drug Monies” and not from taxpayer monies. Mr. Forbes went on to list the items for purchase:

- 5 *Heavy-Entry Ballistic Vests*
- 10 *Ballistic Helmets*
- 14 *Rifle Sighting Systems*
- 7 *Rifle Mounts*
- 6 *Rifle Mounts*
- 3 *Rifle Barrel Conversion Kits (allows rifles to be converted to shoot paint balls for training)*
- 110 *Front Sights for Glock Handguns*

Mayor Sharp added that the equipment aids in training, which results in a safer community.

**Minutes of Regular City Council Meeting  
held Monday June 6, 2005**

Mr. Knight advised that it's unfortunate, but in this day and age, a very necessary expenditure.

Ms. Christian commented that the Police Department should have up to date equipment at all times and cited the fact that the Heavy Entry Vests are years beyond the recommended five-year replacement date.

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

Motion carried unanimously.

**City Manager “f”  
Landscape Maintenance of Beaches Energy Substations**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to award a contract to *Trim-All Lawn Service* from the Atlantic Beach contract for landscape maintenance of the Beaches Energy substations for a period of one year with the option to renew for two additional years with the City Manager's approval.

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

Motion carried unanimously.

**City Manager “g”  
Recommendation on Awarding Bids**

**Bid No. 0405-5 - Traffic Striping, Pavement Markers and Thermoplastic Services**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to award Bid No. 0405-5 for Traffic Striping, Pavement Markers, and Thermoplastic Services to *Campolong Enterprises, Inc. d/b/a DH Striping* for a period of three years.

Discussion: Mr. Forbes advised that 26 invitations to bid were sent to various companies and only one bid was received. He requested that Public Works Director Ty Edwards address the issue.

Mr. Edwards came forward and explained, when companies were asked why they did not submit a bid; they advised that they already had a full workload due the strong construction environment in northeast Florida.

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

Motion carried unanimously.

**Minutes of Regular City Council Meeting  
held Monday June 6, 2005**

**Bid No. 0405-8 - Gasoline and Diesel Fuel – 12 Months Requirements**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to approve purchase of 12 months requirements of unleaded gasoline and diesel fuel in large quantities from *Mansfield Oil Company*, and additional diesel fuel in low quantities from *Gate Fuel Service*.

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

Motion carried unanimously.

**Bid No. 0405-11 - Purchase of Four 4” Portable Pumps**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to award Bid No. 0405-11, Purchase of Four 4” Portable Pumps, to *Acme Dynamics* for a total lump sum cost of \$61,864.00.

Discussion: Mr. Forbes explained that there are 35 Sewer Lift Stations in the city and due to the numerous storms last year and the possibility of a major power outage, they are requesting approval to purchase four portable pumps that can be rotated, should the need arise.

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

Motion carried unanimously.

**ORDINANCES:**

**ORDINANCE NO. 2005-7904 – FIRST READING**

Mayor Sharp requested that the City Clerk read Ordinance No. 2005-7904 on its first reading by title; whereupon Ms. Reagan 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, BY STATING “NONE” AS THE MINIMUM REAR YARD IN THE COMMERCIAL, LIMITED: C-1 AND CENTRAL BUSINESS DISTRICT: CBD ZONING DISTRICTS, TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND FOR OTHER PURPOSES.”**

**Minutes of Regular City Council Meeting  
held Monday June 6, 2005**

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’ 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- 7904.”

It was noted that the applicant is the City of Jacksonville Beach.

Mayor Sharp asked Mr. Lindorff, as the applicant, if he had anything to add. Mr. Lindorff responded that he did not.

Mayor Sharp asked if the City Attorney wished to speak to the issue. Mr. Stratford declined.

There being no one in the audience 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 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.”

**Minutes of Regular City Council Meeting  
held Monday June 6, 2005**

*Ex Parte Communications (other than discussion with the City Manager) –*

Mayor Sharp – none	Council member Knight - none
Council member Sibley - none	Council member Spence - none
Council member Matthews – none	Council member Buck - none
Council member Christian - none	

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2005-7904, as read by title only on its first reading.

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.

There being no one on the Council wishing to address the ordinance, Mayor Sharp closed the discussion and called for the vote to adopt the ordinance on its first reading, as read by title only.

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

Motion carried unanimously.

**Adjournment**

There being no further business coming before the Council, Mayor Sharp adjourned the meeting at 7:37 P.M.

---

Judy L. Bullock,  
ASSISTANT CITY CLERK

Council Approval: \_\_\_\_\_

Date: \_\_\_\_\_