

**Minutes of Regular City Council Meeting  
Held Monday August 1, 2005 at 7:00 P.M.  
In the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida.**



**Call to Order**

The meeting was called to order by Mayor Fland Sharp.

**Opening Ceremony**

Invocation was by Council member Buck; 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 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 July 18, 2005

**Courtesy of Floor to Visitors**

Joy Bright, Adam Bright, and Janice Rubin of 1602 Arden Way, Jacksonville Beach, addressed the Council regarding the June 28, 2005, Codes Enforcement Hearing and the dismissal of a dangerous dog case.

Under discussion, Ms. Spence asked if the Codes Enforcement Board had given a reason for not accepting evidence.

**Mayor "a"**

**Proclamation – Water, Wastewater, and Systems Operators Week**

Mayor Sharp read the proclamation in its entirety and presented it to employees of the Public Works Pollution Control Division.

Ms. Pam Morgan, Pollution Control Plant Supervisor, expressed her appreciation for the recognition and introduced the following employees: Philip Brown, Michael Taylor, and Chuck Hernden.

**Minutes of Regular City Council Meeting  
held Monday August 1, 2005**

**City Clerk “a”  
Appointments to Board of Adjustment**

Motion: It was moved by Mr. Buck and seconded by Mr. Matthews, to reappoint Mr. Bobby Jolley to a new four-year term beginning August 6, 2005 and expiring on August 6, 2009.

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

**City Manager “a”  
Implementation of the Wellfield Operations and Management Plan**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to approve participation in the Atlantic Beach contract with *Control Design, Inc.*, for implementation of the Wellfield Operations and Maintenance Plan at a cost not to exceed \$95,000.

Discussion: Mr. Forbes advised that the Wellfield Operations and Management Plan is required in the City’s Consumptive Use Permit and that the objective of the plan is to automatically select well operation in the most efficient manner. He added that funds were budgeted for the Operations Plan several years ago. Mr. Forbes went on to explain that the plan was approved by the St. Johns River Water Management District and that implementation includes software, control cards, sensors to measure and collect data on well-level draw-down, electro-conductivity, flow rate and pump run hours for each well site.

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

Motion carried unanimously.

**City Manager “b”  
Recreation Building Design/Build**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to request the Redevelopment Agency to provide funds for a new Parks and Recreation Building and authorize the City Manager to request proposals for a design/build contractor for this work.

Discussion: Mayor Sharp advised that the location of the new Parks and Recreation Building would be at South Beach Park, just south of the new fire station.

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

Motion carried unanimously.

**Minutes of Regular City Council Meeting  
held Monday August 1, 2005**

**City Manager “c”  
Sanctuary Unit 5 Final Plat Approval**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, for approval of the *Sanctuary Unit 5* Final Plat.

Discussion: Mr. Matthews expressed his pleasure that “Tract J” will be built out and recommended approval of the plat.

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

Motion carried unanimously.

**City Manager “d”  
Recommendation to Reject Bid No. 0405-17 – Golf Course Seed**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to reject Bid No. 0405-17, Golf Course Seed.

Discussion: Mr. Forbes explained that the bid tender form and the specifications did not match, so bidders did not provide prices on similar products and services. He added that the bids will be rejected and since the bid prices will be less than the bid limit, quotes will be used to determine the best price.

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

Motion carried unanimously.

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

**Bid No. 0405-16 – Uniform Rentals – 36 Months Requirements**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to award Bid No. 0405-16, Uniform Rentals – 36 months requirements, to *ARAMARK Uniform Service*, the lowest bidder meeting specifications (*The Bid is for the rental and maintenance of uniforms for Public Works, Grounds Maintenance and Golf Course employees*).

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

Motion carried unanimously.

**Minutes of Regular City Council Meeting  
held Monday August 1, 2005**

**Bid No. 0405-21 – Police Uniform Cleaning – 36 Months Requirements**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to award Bid No. 0405-21 for police uniform cleaning to *Koastal Kleaners, Inc.*

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

Motion carried unanimously.

**RESOLUTIONS:**

**Resolution No. 1728-2005**

Mayor Sharp requested that the City Clerk read Resolution No. 1728-2005 by title; whereupon Ms. Reagan read the following:

**“A RESOLUTION ESTABLISHING A SCHEDULE FOR RATES, SIZES,  
AND STYLES OF PRIVATE RENTAL LIGHTS AND PUBLIC STREET  
LIGHTS.”**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Resolution No. 1728-2005, establishing a schedule for rates, sizes, and styles of private rental lights and public streetlights.

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

Motion carried unanimously.

**ORDINANCES:**

**Ordinance No. 2005-7905– Second Reading**

Mayor Sharp requested that the City Clerk read Ordinance No. 2005-7905 on its second reading by title; whereupon Ms. Reagan read the following:

**“AN ORDINANCE TO AMEND SECTION 32-73, ARTICLE III, CHAPTER  
32 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE  
BEACH, FLORIDA, AND TO ESTABLISH AN EFFECTIVE DATE.”** (*This  
relates to the rental of streetlights.*)

Motion to amend: It was moved by Ms. Spence, seconded by Ms. Sibley, to amend Ordinance No. 2005-7905, to include the phrase “including a rate schedule” (amendment is to Section 1., subparagraph (5), Rental Lights).

**Minutes of Regular City Council Meeting  
held Monday August 1, 2005**

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

Motion carried unanimously.

Motion to adopt as amended: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2005-7905, as amended, on its second reading as read by title.

Discussion: Mr. Forbes explained that the ordinance takes the rates for street lights out of the Code of Ordinances and allows the Council to adopt rates for streetlights and change the types of lights by resolution; instead of changing the law. Mr. Forbes went on to clarify the amended section of the ordinance by reading Section 1. subparagraph (5) Rental lights., for the record:

“Rental lights will be furnished on sites approved by the city electric department, including installation, maintenance, replacement when necessary, and electrical energy consumed, including a rate schedule, as provided by city Resolution.”  
*(underlined words are additions)*

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

Motion carried unanimously.

**Ordinance No. 2005-7906– First Reading**

Mayor Sharp requested that the City Clerk read Ordinance No. 2005-7906 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; TO EXCLUDE PART-TIME EMPLOYEES WHO ARE RECEIVING A NORMAL RETIREMENT PENSION FROM A CITY OF JACKSONVILLE BEACH RETIREMENT SYSTEM FROM MEMBERSHIP IN THE GENERAL EMPLOYEES’ RETIREMENT SYSTEM AND TO PERMIT CONTINUED PAYMENT OF SAID PENSION WHILE SO EMPLOYED; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND PROVIDING AN EFFECTIVE DATE.”**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2005-7906, as read by title on its first reading (*which allows retired employees to work for the City part-time*).

**Minutes of Regular City Council Meeting  
held Monday August 1, 2005**

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

Motion carried unanimously.

**Ordinance No. 2005-7907– First Reading – Public Hearing**

Mayor Sharp requested that the City Clerk read Ordinance No. 2005-7907 on its first reading by title, holding a public hearing; whereupon Ms. Reagan read the following:

**“AN ORDINANCE ESTABLISHING A PLANNED UNIT DEVELOPMENT (PUD) DISTRICT WITHIN THE CITY OF JACKSONVILLE BEACH, FLORIDA, AS PROVIDED UNDER THE JACKSONVILLE BEACH LAND DEVELOPMENT CODE, CHAPTER 34 OF THE CODE OF ORDINANCES OF SAID CITY.”** *(This requires a 1.3 acre of land located by 1127 16<sup>th</sup> Avenue South from RM-1 to PUD to allow for its use by the Baptist Medical Center – Beaches.)*

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.

Public Hearing: I will now open the public hearing on Ordinance No. 2005- 7907; and invite the applicant to come forward to make their presentation.”

**Minutes of Regular City Council Meeting  
held Monday August 1, 2005**

Applicant: Joe Mitrick, representing Baptist Medical Center Beaches, advised, approximately one year ago he came before the Council to request a PUD for the hospital. This was done for two reasons: to ensure that there are adequate medical facilities to serve the community and to be a good neighbor. At the time the PUD was requested, the Jehovah's Witnesses property was unavailable. An agreement has now been reached to purchase the church property, which will eventually be integrated into the hospital's existing facilities. The property will continue to be used by the church for up to two years. Initially the property will remain as is, until a time when the projected use will be for surface parking and internal driveway connections to the hospital.

Discussion: Ms. Sibley inquired if the two existing houses on the east side will remain.

Mr. Mitrick responded in the affirmative.

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 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 – Joe Mitrick  
Council member Knight – none  
Council member Sibley - none  
Council member Spence – none  
Council member Matthews – none  
Council member Buck – phone call from Joe Mitrick in regards to the request  
Council member Christian – phone message from Joe Mitrick

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2005-7907, as read by title only, on its first reading.

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

Motion carried unanimously.

**Minutes of Regular City Council Meeting  
held Monday August 1, 2005**

**Adjournment**

There being no further business coming before the Council, Mayor Sharp adjourned the meeting at 7:44 P.M.

\_\_\_\_\_  
/s/ Judy L. Bullock  
Judy L. Bullock  
ASSISTANT CITY CLERK

Council Approval: \_\_\_\_\_ /s/ Fland O. Sharp, Mayor

Date: August 15, 2005