

**Minutes of Regular City Council Meeting  
Held Monday August 15, 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 Knight; Salute to the Flag.

**Roll Call**

Mayor: Fland Sharp

Council members:	Lee Buck	Penny Christian ( <i>absent</i> )	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 meetings, as presented:

Budget Tour held July 29, 2005  
Regular Meeting held August 1, 2005

**Courtesy of Floor to Visitors**

No one wished to speak under Courtesy of the Floor to Visitors.

**Mayor "a"**

**Schedule Date for Shade Meeting Regarding Bert Harris/Vested Rights Lawsuits**

Mayor Sharp announced that a Shade Meeting will be held on September 6, 2005, at 5:30 p.m. in the Board Room, 2<sup>nd</sup> Floor, City Hall.

**Mayor "b"**

**Paws Dog Park Thank You Presentation**

The presentation was postponed to a later date due to technical difficulties.

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**City Manager “a”  
Monthly Financial Reports – July 2005**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, and passed, to accept the monthly financial reports for July 2005.

Motion carried unanimously.

**City Manager “b”  
Acceptance of Florida Department of Environmental Protection, Florida Recreation Development Assistance Program Grant for South Beach Park**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to accept a grant from the Florida Recreation Development Assistance Program and authorize the City Manager and Mayor to sign a contract with the State for funding improvements to South Beach Park. *(City will receive \$200,000 from the state that must be matched with \$200,000 of South Beach Tax Increment funds.)*

Discussion: Mayor Sharp explained that funds are earmarked for the following improvements to South Beach Park:

- Irrigation and sod installation on multi-purpose practice field
- Construction of a new outdoor volleyball court
- Restroom/Port-a-let improvements
- New picnic shelters
- Additional landscaping and tree planting

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

Motion carried unanimously.

**City Manager “c”  
Approval of the Execution of Purchase and Sale Contracts for the Purchase of the Land Needed for the Penman Road Alignment Project**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to authorize the City Manager and Mayor to execute the purchase and sale contracts necessary to purchase the land for the Penman Road Alignment project as described in a memo from the City Manager, dated August 11, 2005 and titled “Execution of Purchase and Sale Contracts for the purchase of land needed for the Penman Road Alignment Project”. *(Total cost of land is \$2,693,932 with the City’s share of the purchase being \$593,932.)*

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Speaker: Brenda Frazier, 2602 Lois Lane (*Owner of Rick's Used Cars*), asked the Council when she would be expected to vacate the property and who is responsible for buying-out her 11-year lease.

Discussion: Mr. Forbes advised that a date for vacating the property has not been set, as the City doesn't even own the property at this time. He assured Ms. Frazier that once the property has been purchased, that the City will work with her on a time frame for vacating the property. Mr. Forbes added that Ms. Frazier needs to direct the question concerning the buy-out of her lease to her attorney.

Mayor Sharp explained that this project will align Penman Road and allow traffic to flow from Penman Road across Beach Boulevard, at a signalized intersection, to South Penman Road. He added that South Penman Road is the main traffic artery to and from the recreation complex, golf course, Police Department, Public Works and Beaches Energy Services.

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

Motion carried unanimously.

**City Manager “d”**

**Approval of Funding for Repairs and Maintenance at Wingate Park, Parking Lot, and A1A South Medians**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to approve the expenditure of \$16,764 for maintenance improvements as described in a memo from Gary Meadors dated Wednesday, August 3, 2005, and titled “Funding for repairs and maintenance at Wingate Park, Town Center Parking lot, and A1A South Medians.”

Discussion: Mayor Sharp gave a brief overview of the project's key elements:

- Wingate Park – repair of football bleachers (\$5,595); and fencing of pitching areas (\$2,236)
- Town Center Parking – replacement of fence that separates the parking lot and Sneakers Restaurant (\$4,583)
- Medians at A1A & 30<sup>th</sup> Ave. S. – addition of a booster pump to the landscape irrigation system (\$4,350)

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

Motion carried unanimously.

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**City Manager “e”**

**Approval of Change Order for Drainage System Repairs at 3 Locations**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to approve the change order with *Miranda Contracting* as detailed in the Public Works memorandum dated, August 4, 2005, and titled “Approval of Change Order for Drainage System Point Repairs at 3 Locations.” (*2<sup>nd</sup> Street N / 9<sup>th</sup> Avenue Intersection, Oakwood & Oakwood Intersection, and Tallwood Ditch; total cost w/10% contingency - \$19,975.*)

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

Motion carried unanimously.

**City Manager “f”**

**Award of Bid/RFP No. 0405-14 – Unit Price Continuing Service Contract for Sidewalk and Curb Construction**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to award Bid No. 0405-14, Unit Price Continuing Services Contract for Sidewalk and Curb Construction for a period of one-year, to the lowest, qualified bidder, *Miranda Contracting* and authorize the City Manager to extend the contract for up to 4 additional one-year terms. (*The continuing services contract establishes unit pricing for various work items associated with sidewalk, curbing, and other misc. concrete work.*)

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

Motion carried unanimously.

**City Manager “g”**

**Recommendation to Reject Bid No. 0405-18 – Landscape and Irrigation Project Gonzales and A1A**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, for approval to reject the bids received for Bid No. 0405-18 “Landscape & Irrigation Project – Gonzales Park and A1A.”

Discussion: Mayor Sharp explained that the bids that came in were very inconsistent; with some being very high and others being quite low. It was decided to bring the work in-house and subcontract the work that the City cannot do itself.

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

Motion carried unanimously.

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**RESOLUTIONS:**

**Resolution No. 1729-2005**

Mayor Sharp requested that the City Clerk read Resolution No. 1729-2005 by title; whereupon Ms. Reagan read the following:

**“A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH SUPPORTING THE TRAFFIC SAFETY IMPROVEMENTS PROPOSED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION AFFECTING SOUTH 3<sup>rd</sup> STREET BETWEEN 16<sup>th</sup> AVENUE SOUTH AND OSCEOLA AVENUE..”**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Resolution No. 1729-2005 which supports traffic safety improvements on South 3<sup>rd</sup> Street, between 16<sup>th</sup> Avenue South and Osceola Avenue.

Discussion: Mr. Forbes explained that this resolution supports the traffic safety improvements proposed by the Florida Department of Transportation. The changes will include reopening the public right-of-way on 25<sup>th</sup> Avenue South, east of 3<sup>rd</sup> Street for access to the new signalized intersection at Osceola Avenue and South 3<sup>rd</sup> Street. He added that the traffic signal at 22<sup>nd</sup> Avenue South would be removed.

Mayor Sharp commented that the intersection at Osceola and South 3<sup>rd</sup> Street is one of the most dangerous in Jacksonville Beach.

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

Motion carried unanimously.

**ORDINANCES:**

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

Mayor Sharp requested that the City Clerk read Ordinance No. 2005-7906 on its second 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**

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**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 second reading which allows retired General employees to work for the City part-time.

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

Motion carried unanimously.

**Ordinance No. 2005-7907– Second Reading**

Mayor Sharp requested that the City Clerk read Ordinance No. 2005-7907 on its second reading by title; 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.)*

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2005-7907, as read by title only, on its second reading; and approve the Findings of Fact.

Ms. Spence read the ‘Findings of Fact’ for the record:

1. There are adequate public facilities available to serve the existing and proposed uses of the subject property.
2. The proposed future uses of the property by the hospital will not negatively impact adjacent properties, all of which are owned by the hospital.
3. All on-site parking and open space provision within the subject property will remain compliant with minimum Land Development Code standards.
4. The proposed uses of the property for hospital facilities are consistent with the *Institutional* Future Land Use designation of the property in the 2010 Comprehensive Plan.

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5. The proposed rezoning was reviewed and unanimously recommended to be approved by staff and by the Jacksonville Beach Planning Commission, prior to consideration of the application by the City Council.
6. There was no testimony presented at either the Planning Commission's public hearing or the Council's public hearing to dispute the presentments of the applicant.

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

Motion carried unanimously.

**Adjournment**

There being no further business coming before the Council, Mayor Sharp adjourned the meeting at 7:18 P.M.

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Judy L. Bullock  
ASSISTANT CITY CLERK

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

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