

**Minutes of Regular City Council Meeting
Held Monday, December 5, 2005 at 7:00 P.M.
In the Council Chambers, 11 North 3rd 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 Rick Knight
Dick Matthews Martha Ann Sibley Linda Spence

Also present were City Manager George Forbes, City Attorney Stephen Stratford and City Clerk Heidi Reagan.

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:

Council Workshop held October 17, 2005
Council Workshop held November 17, 2005
Council Workshop held November 21, 2005
Regular Council Meeting held November 21, 2005

Courtesy of Floor to Visitors

The following individuals came forward to speak in opposition to the application for the waste transfer station and to request the Council to write a letter to the Jacksonville Council asking them to return the application to the Jacksonville Beach Planning Commission for review. They stated that the scope of the project is dramatically different from that which was presented in the application in 2003:

Terry DeLoach, 405 32nd Ave., S
Susie White, 535 Canal Rd., Palm Valley
Nancy Broner, 1354 Pinewood Rd.
Sandy Golding, 1203 18th Ave., N.
Jim Varian, 2279 Seminole Rd., Atlantic Beach
Michelle Tipton, 2333 Azalea Dr.
Bob Baxter, 426 15th Ave., S.

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Tony Komarek, 533 11th Ave., S.
Roselle Van Nostrand, 1641 Landing Ln., Neptune Beach
Jim Overby, 21 Burling Way

There being no one else wishing to speak, the Mayor stated that this concluded the public comments and brought the discussion back to the Council.

Ms. Sibley stated that she would like the Mayor to send a letter to Jacksonville Council member Art Graham to request that Jacksonville defer their decision on this issue and allow it to come back to the Jacksonville Beach Planning Commission for review.

Mayor Sharp stated that he will write a letter, but that he would like it to come from the entire Council, so he would like everyone to sign it, providing everyone is in agreement.

Mr. Buck stated that this project has grown by enormous proportions and wants to send a copy of our minutes on this issue to Jacksonville in addition to the proposed letter.

Ms. Christian stated that she is in agreement with sending the letter, and indicated that although she understands that the letter needs to go out immediately, she would like to have the opportunity to review it before signing it.

Mayor Sharp indicated that he would have the letter ready in the morning and would like to get everyone's additions and correction so the letter can be sent to Jacksonville tomorrow afternoon.

Ms. Christian asked Mr. Stratford if there were any legal hindrances to composing and sending a letter of this type. Mr. Stratford indicated that there were none.

Mayor "a"

Recognition of Robert Bruce, RB Financial Group, Inc., for Corporate Support of the Huguenot Tennis Center

Mayor Sharp read and presented to Robert Bruce of RB Financial Group, Inc., a certificate of appreciation for his Corporate Support of the Huguenot Tennis Center.

City Clerk

Appointments to Employees' Board of Appeal; New Terms to Expire December 17, 2007

Motion: It was moved by, Ms. Spence seconded by Ms. Sibley, to reappoint Bill Hutchison and Janet Folsom to the Employees' Board of Appeal with terms to expire on December 17, 2007.

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

Motion carried unanimously.

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City Manager “a”

Proposed Community Development Block Grant Projects for FY 2007 – Public Hearing

The Mayor opened the public hearing on the Community Development Block Grant application. There being no one wishing to speak the Mayor closed the public hearing.

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to authorize the Mayor and City Manager to file a Community Development Block Grant application for fiscal year 2007 as recommended in a November 16, 2005 memo from Roy Paxson titled “Proposed Community Development Block Grant Projects for FY 2007”

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

Motion carried unanimously.

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to allow the City Manager flexibility to vary the funding levels of the recommended projects in accordance with the priorities listed in said memo to meet variances in estimated funding by the City of Jacksonville and adjust our application accordingly.

Discussion: Mayor Sharp commented that the funding is being cut back, so we will need to prioritize the program.

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

Motion carried unanimously.

City Manager “b”

Purchase of Greens Mower for Golf Course from General Services Administration Contract

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to approve the purchase of a Jacobsen Triplex Greens Mower using the Federal GSA contract from Kilpatrick Equipment.

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

Motion carried unanimously.

City Manager “c”

Approval of Cemetery Lot Buy Back Program

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Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to allow the City Manager to contact cemetery lot holders and re-purchase existing cemetery lots for one thousand dollars (\$1,000) or the original purchase price.

Discussion: The Mayor asked what is meant by “or the original purchase price”?

Mr. Forbes explained that the City will purchase the lots for \$1,000 unless the purchaser actually paid more than \$1,000, in which case the City will purchase the lot for the price actually paid. The reason for this is that the City currently sells lots for \$1,800, so someone could have paid more than \$1,000 for the lot, depending on what the price was at the time of purchase. He also pointed out that there are no more lots for sale, so the Mayor requested that we check to see if anyone is willing to sell their lot(s) back to the City. Mr. Forbes further explained that when an individual purchases a lot, they are not actually purchasing land, they are purchasing an easement for burial - the City still owns the land. Therefore an individual can not sell their lot (or easement), they can only sell it back to the City. Lineal descendants may use the lots for burials, but the lots can't be sold except to the City.

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

Motion carried unanimously.

City Manager “d”

Approval to Remodel Tennis Center Restrooms and Make Them Handicapped Accessible

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to upgrade the restrooms at the Huguenot Tennis Center and make them handicap accessible as explained in a memorandum from Gary Meadors, dated November 29, 2005, titled “Huguenot Tennis Center Restrooms”.

Discussion: Mr. Forbes stated that we are having tremendous success with new programs at the Tennis Center. He also stated that the question has been asked if it is wise to spend money to make the restrooms handicapped accessible since handicapped individuals can't really play tennis. The truth is that handicapped people can and do play tennis. This issue has come up as the restrooms are 20 or more years old. Mr. Forbes explained that since we are doing renovations at the Tennis Center anyway, we are requesting approval to upgrade the restrooms.

Mr. Knight stated that he feels it is necessary to upgrade the restrooms even if we don't have handicapped players because there may be handicapped spectators at the center.

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Ms. Christian confirmed with Mr. Paxson that some of our players are handicapped and are in actually champion players. She stated that she supports these programs and feels the restrooms need to be upgraded.

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

Motion carried unanimously.

**City Manager “e”
Purchase of Replacement 1250 GPM Fire Pumper**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to purchase an E-1 Typhoon Fire Rescue Pumper from Hallmark Fire Apparatus at a cost not to exceed \$295,000 including a trade in of a 1989 E-1 Pumper.

Discussion: Ms. Christian asked Chief Frazier if this truck would be appropriate for the possible addition to our fire department of the advanced life support (ALS) function. Chief Frazier stated that there are ALS cabinets built into this truck so it will be a multi-functional truck and will be a good truck for the future needs of the City.

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

Motion carried unanimously.

**Resolutions
Resolution No. 1733-2005**

City Clerk Heidi Reagan read Resolution No. 1733-2005:

**“A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA
AMENDING THE PERSONNEL RULES TO REPEAL SUNSET PROVISION
FOR MILITARY RESERVE SUPPLEMENTAL PAY AND MAKE OTHER
REVISIONS TO THE PERSONNEL POLICIES.”**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Resolution No. 1733-2005, amending the Personnel Rules to grant vacation leave to part-time employees, extending the sunset for military supplemental to 2009 and to clarify Performance Appraisal Ratings for employees “not meeting standards” as outlined in the memorandum from Sue Taylor, Human Resources Director, dated November 23, 2005.

Discussion: Mr. Forbes explained that the military program provides for supplemental pay to individuals that are called to active duty. If the individual’s military pay is less

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than the pay they were receiving from the City, the City will supplement the military pay for one-year to bring that individual up to the amount they were receiving from the City. This is to ensure that our military employees are not penalized for being called to active duty. Currently we have 3 employees that have been called to active duty.

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

Motion carried unanimously.

Ordinances

Ordinance No. 2005-7908 – Second Reading

City Clerk Heidi Reagan read Ordinance No. 2005-7908 by title, on its second reading:

“AN ORDINANCE TO AMEND ARTICLE I. IN GENERAL CHAPTER 16. MISCELLANEOUS OFFENSES AND PROVISIONS TO ADD A NEW SECTION 16-3.1 REGULATING THE OPERATIONS OF OUTDOOR SHOOTING RANGES WHERE SUCH AN ESTABLISHMENT HAS BEEN AUTHORIZED PURSUANT TO AN ORDER OF THE CIRCUIT COURT, 4TH JUDICIAL CIRCUIT, IN AND FOR DUVAL COUNTY, FLORIDA, AND FOR OTHER PURPOSES.”

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2005-7908, adding a new Section 16-3.1 as read by title on its second reading.

Discussion: The following individuals spoke in opposition to the operation of the shooting range:

Alfred Pawlikowski, 1701 The Greens Way, #214

Dean Thompson, 2067 Green Heron Pt.

Laurie Latour, 3310 Sanctuary Way - (provided written narrative of her comments and pictures.)

Ted Latour, 3310 Sanctuary Way (provided written narrative of his comments and pictures.)

The Mayor stated that he wanted to share information regarding this situation. He explained that there was a court ruling on this and the City was estopped from issuing any determination that the land could not be used as a firearms range, or from taking any action to prevent the land from being used as a firearms range. The court order was signed December 6, 2002 by Judge James L. Harrison, Senior Circuit Court Judge. The City appealed the decision and lost. We are therefore constrained by the Judge’s order. The Mayor explained that the FOP is required to install baffling to prevent stray rounds from getting out, but it will most likely not mitigate the noise. He further explained that since we are constrained from imposing a noise ordinance on

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the range, we at least need to pass an ordinance to establish some reasonable, enforceable limitations on the hours of operation before the shooting range goes back into operation.

Mr. Forbes stated that the noise that will be generated is the biggest concern and that some people believe that if the council doesn't adopt this ordinance that the public will be protected from the noise problem. He explained that passing the ordinance will do the opposite – it will provide some protection by limiting the hours that the shooting range can operate. The Judge's order says that the FOP can use that area as a shooting range and if we don't have anything in place to regulate the hours of operation, the City will not be able to do anything to restrict the noise to certain time periods.

A discussion followed regarding the issue and the possible solutions.

Amended Motion: It was moved Ms. Sibley and seconded by Mr. Matthews to amend the ordinance by changing paragraph 4 to read, "The days of the week and hours of operation of an outdoor shooting range are limited to Monday through Friday between 9:00 a.m. and 4:00 p.m. Operation of an outdoor shooting range is specifically prohibited on Saturday and Sunday and on any Federal holiday."

Roll call vote to amend the ordinance on its second reading, as read by title: Ayes – Knight, Matthews, Sibley, Spence, Buck, Christian and Mayor Sharp.

Roll call vote to adopt the ordinance as amended: Ayes – Matthews, Sibley, Spence Buck, Christian, Knight and Mayor Sharp.

Motion carried unanimously.

Adjournment

There being no further business coming before the Council, Mayor Sharp adjourned the meeting at 8:23 P.M.

/s/Heidi Reagan

Heidi Reagan
CITY CLERK

Council Approval: /s/Fland Sharp, Mayor

Date: 12/19/2005