

**Minutes of Regular City Council Meeting
Held Monday, March 6, 2006 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
Martha Ann Sibley Linda Spence

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

Council member Dick Matthews was absent.

Approval of Minutes

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, and passed, to approve the minutes of the Workshop held February 20, 2006, and the Regular Council Meeting held February 20, 2006, as presented.

Courtesy of Floor to Visitors

Wendell Finner, 420 Lower 8th Avenue, S – Mr. Finner stated he was pleased to hear the City will be holding a workshop on public records and the Sunshine Law. He requested that any records that come into the city be made available in the city to the citizens.

Mayor “a”

Discussion of what Basic Court Records should be made available at City Hall.

(Requested by Mayor Sharp)

The Mayor stated that as a public policy we need to keep a record of the notification that a lawsuit has been filed. He stated that notification of the filing of a lawsuit generally comes to City Hall. He stated that what he requests that we keep at City Hall, is the record of the filing of the lawsuit. He asked if the Council had any ideas on how they would like to see this issue handled.

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Ms. Christian asked Mr. Stratford if this was acceptable and if he had any comments on the issue.

Mr. Stratford explained that the city has adhered to Chapter 119, which defines what a public record is. He also explained that there are exemptions and not all documents are public records.

Ms. Spence stated that it appears that what we are looking for is an administrative change that would provide a database or a simple listing of active court cases. She stated that she is in favor of maintaining such a list. She continued by stating that as far as what other court records should be made available that she believes we are following state law, and that she doesn't see a need for any changes in that regard. The Mayor agreed and stated that was his intent.

A discussion followed regarding whether to make a motion on establishing a policy. It was decided to wait until after the workshop next week, as the workshop would provide information that might assist the council in establishing a policy.

Mr. Forbes stated that nearly everything he has is a public record and that the law is clear that we need to provide documents that are requested unless we know they are exempt - in which case we need to state what the exemption is. Mr. Forbes explained that the records we've been dealing with lately have been regarding lawsuits. He stated that staff does not attempt to determine what is public record and what is exempt in the case of a lawsuit, that is left for the attorney to decide. He gave a few examples of other records that are exempt, such as trade secrets and tests given to candidates for certain positions within the city. Mr. Forbes ended his comments by stating that nearly everything that comes across his desk is a public record, and it is extremely rare that he comes across something that is not a public record.

City Manager "a"

Design/Build Services for Parks and Recreation Administration Building

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley to authorize the Mayor and City Manager to execute an agreement with the project team of C. Young Construction and Ebert, Norman, Brady Architects to undertake a preliminary design and cost for a new Parks and Recreation Administration building.

Discussion: Mr. Knight stated that the company he works for does business with Coleman Young and asked the city attorney if he was required to excuse himself from the vote. The city attorney stated this was not a conflict and that Mr. Knight could go ahead and vote on this motion.

Mr. Forbes stated that all the council is being asked to approve is a preliminary plan and preliminary costs for building a new Administration building to be built at South Beach Park.

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

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Motion carried unanimously.

**City Manager “b”
Last Minute Golfer Program**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to authorize the Mayor and City Manager to execute a one year agreement with LastMinuteGolfer.com with options to renew for two additional one year periods on approval of the City Manager.

Discussion: Mr. Forbes stated that this is a marketing program for the golf course. He explained that the city selects tee times that have not been sold and places them on the website for sale. The site has 18,000 users and 80,000 hits per month. It’s a good tool for marketing the golf course and selling unused tee times. He pointed out that most of our competitors in this area already use this program, so this is a good way to keep us competitive in the golfing community.

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

Motion carried unanimously.

**City Manager “c”
Award of Production Services Contract for a Production Company to Assist with Special Events, RFP No. 13-0405 – Special Event Production Services**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to award RFP # 13-0405 Special Event Production Services to PRI Productions for three (3) years, and authorize the Mayor and City Manager to execute an agreement with PRI Production, and to begin negotiations.

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

Motion carried unanimously.

**City Manager “d”
Recommendation to Reject Bid No. 0506-3 – Repair and Enhancement of City Stormwater Basin Retention Areas Located at Butler Boulevard/South Beach Parkway and South 12th Avenue/9th Street**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to reject the bids for Bid # 0506-3, Repair and Enhancement of City Stormwater Basin Retention Areas located at Butler Blvd. at South Beach Parkway and South 12th Ave. at 9th Street.

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Discussion: Mr. Forbes reiterated that this is rejecting bids, not approving them. He explained that there were improvements we wanted to make to our stormwater basins at Butler Blvd. and 12th Avenue and that we were not satisfied with the bids we got, as they were too expensive. He indicated we will re-look at the project and come back with a new proposal.

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

Motion carried unanimously.

City Manager “e”

Recommendation to Award RFP No. 010-0405, Elevated Water Tank Maintenance Program

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to award RFP 10-0405, Elevated Water Tank Maintenance Program for a period of five years to Tank Pro, Incorporated, with the provision that the contract can be extended for an additional five year period upon approval of the City Manager, and authorize the Mayor and City Manager to execute the contract.

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

Motion carried unanimously.

City Manager “f”

Recommendation on Awarding Bids:

Bid No. 0506-5 – Marsh Landing Parkway at South Beach Parkway

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to award unit price Bid # 0506-5 to Miranda Contracting, Inc., and construction administration to Edwards & Kelcy Inc., as described in a memo from Steve Lindorff dated February 24, 2006, entitled “Award of Bid for turn lane and traffic signal modifications for Marsh Landing Parkway”.

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

Motion carried unanimously.

Bid No. 0506-6 – Cradle Creek Preserve Construction

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to approve the award of the Bid #0506-6 (Cradle Creek Preserve – Construction) to BGCO, Inc., at a price

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(based on estimated quantities) of \$ 725,800, plus a 10% contingency for a total cost not to exceed \$798,300.

Discussion: Mr. Forbes explained that Cradle Creek is an environmentally sensitive area that was going to be developed into home sites. The city worked out a deal with Jacksonville that allowed us to purchase the land for \$1.2 million - this land is probably worth 3 to 4 times the amount the city paid for it. The purchase of this land allows us to develop a preserve with overlooks over the intracoastal waterway, hiking trails, a canoe/kayak launch and a water trail that could be navigated by kayak or canoe between the three beach cities,

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

Motion carried unanimously.

RESOLUTIONS

Resolution No. 1740-2006

City Clerk Heidi Reagan read Resolution No. 1740-2006, by title:

“A RESOLUTION AMENDING THE OPERATING BUDGET OF THE CITY OF JACKSONVILLE BEACH, FLORIDA FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006”

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Resolution No. 1740-2006, as read by title.

Discussion: Mr. Forbes stated that this is a normal process. He explained that we do two budget modifications each year – one 6 months into the budget year and one at the end of the budget year. These are just adjustments that are made during the year and have been approved by council.

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

Motion carried unanimously.

ORDINANCES

Ordinance No. 2006-7911 – First Reading

City Clerk Heidi Reagan read Ordinance No. 2006-7911 by title, on its first reading:

“AN ORDINANCE AMENDING CHAPTER 5, “ANIMALS AND FOWL”, ARTICLE II, DIVISION 1, OF THE CODE OF ORDINANCES OF THE

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CITY OF JACKSONVILLE BEACH, FLORIDA, BY RESCINDING SECTION 5-23 “DEFINITIONS” AND SUBSTITUTING A NEW SECTION 5-23 “DEFINITIONS”. BY RESCINDING SECTION 5-24 “DANGEROUS DOGS.” AND SUBSTITUTING A NEW SECTION 5-24 “DANGEROUS DOGS.” AND BY AMENDING SECTION 5-24.1. “ATTACK OR BITE BY DANGEROUS DOG” SUBSECTION 5-24.1(2); 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. Sibley, to adopt Ordinance No. 2006-7911, as read by title on its first reading.

Discussion: Lance Folsom, 1022 N. 23rd Street – Commended the city for taking action and writing this ordinance.

Sandy Golding, 1203 18th Ave., N. – Expressed concern regarding the severity of the ordinance. Ms. Golding asked the council to consider deferring their vote on the ordinance and holding a workshop. She encouraged the city to consider more stringent punishment on dog owners, rather than on the dog.

The Mayor asked Chief Thomason about some of the wording in the ordinance. The Chief stated that the wording in question was taken directly from the Florida State Statutes.

The Mayor asked how the process would work after a complaint is filed. Chief Thomason explained that the investigating officer would interview the complainant, he would visit the dog and dog owner, would check for witnesses and turn in a report to the supervisor. Based on the investigation, the supervisor would make a decision as to whether the case would go before the board. The board would consist of an individual from each the patrol, detective and services divisions. Generally the Division Commanders will serve on the board, unless they are not available. The dog owner will be allowed to present their case at the hearing.

The Mayor asked about the dog owner’s liability, to which the Chief responded he will check into the possibility of adding a dog owner’s liability provision to the ordinance.

The Chief explained that the owner could be fined up to \$500. The dog owner would receive a notice to appear before a County court where the judge would determine whether a fine (up to \$500) should be imposed.

Mr. Forbes pointed out that no matter what the board decides the owner always has the option to appeal the case to the county court. Mr. Forbes also stated that he and the Chief recommend deleting the wording “or death to a domestic

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animal”, on page 5 of 6 under Section 5.24-1, in the last paragraph on that page. That wording needs to be deleted as it conflicts with another section under ‘definitions’ on the first page.

Ms. Spence stated that she feels there needs to be more research done on this ordinance. She requested a copy of Ms. Golding’s comments. Ms. Spence also stated that she is in favor of voting on the ordinance tonight on the first reading and make whatever amendments are necessary at the second reading.

Mr. Knight asked whether the issue of the dog owner’s liability could be added to the ordinance, to which Chief Thomason explained that it could be added, but since it is already state law, it does not need to be added, as it is enforceable under state law.

Mr. Forbes thanked the Chief for his efforts on this ordinance and explained that the ordinance is an attempt to solve a problem in an effective way so that we do not keep re-visiting the same problem over and over. This is designed to deal with the problem.

Motion to Amend Ordinance: It was moved by Ms. Spence, seconded by Ms. Sibley to amend the motion to delete the phrase “or death to a domestic animal” under section 5-24.1.

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

Motion carried unanimously.

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2006-7911, as read by title and amended.

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

Motion carried unanimously.

Ordinance No. 2006-7913 – First Reading

City Clerk Heidi Reagan read Ordinance No. 2006-7913 by title, on its first reading:

“AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, BY AMENDING CHAPTER 18 - “NOISE”, SUBSECTION 18-3(h), “OUTSIDE SOUND AMPLIFICATION PERMITS” BY REINSERTING PARAGRAPHS 1, 2, 3, 5, 6 AND 7, REPEALING ORDINANCES IN CONFLICT HEREWITH, PROVIDING AN EFFECTIVE DATE.”

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Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2006-7913, as read by title only on its first reading, and is a technical correction that re-states Section 18-3(h) of the Noise Ordinance.

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

Motion carried unanimously.

Ordinance No. 2006-7914 – First Reading

City Clerk Heidi Reagan read Ordinance No. 2006-7914 by title, on its first reading:

**“AN ORDINANCE ENACTED PURSUANT TO SECTION 100.3605(2),
FLORIDA STATUTES, CHANGING THE QUALIFYING PERIOD FOR
NOMINATION OF CANDIDATES FOR THE GOVERNING BODY OF
THE CITY OF JACKSONVILLE BEACH, FLORIDA, AND
ESTABLISHING AN EFFECTIVE DATE.”**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2006-7914, as read by title on its first reading.

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

Motion carried unanimously.

Adjournment

There being no further business coming before the Council, Mayor Sharp adjourned the meeting at 7:53 pm.

Submitted by: Heidi Reagan, City Clerk

Approval:

/s/ Fland Sharp
Mayor

March 20, 2006
Date