

**Minutes of Regular City Council Meeting
Held Monday, April 3, 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 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 Regular Council Meeting held March 20, 2006, as presented.

Communications

Mayor Sharp made the following announcements:

Shade Meeting: In the absence of the City Attorney, Mayor Sharp advised that a “Shade Meeting” is scheduled for Monday, April 24, 2006, at 5:30 p.m.; in attendance will be the Mayor and Council members, City Manager, Legal Counsel and a certified court reporter. The purpose of the meeting will be to discuss litigation of the following:

- Atlantis of Jacksonville Beach, Inc.
- C.E.M.M. Development a/k/a Dolphin Depot
- Southern Waterview Development, Inc. (*This item was mistakenly omitted during the original announcement and was added by the Mayor prior to adjournment of the meeting.*)

Council Workshop: A Council Workshop will be held at 6:00 p.m. on Monday, April 17, 2006, on outdoor seating for restaurants and bars.

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Courtesy of Floor to Visitors

Mayor Sharp opened Courtesy of the Floor to Visitors.

Speakers: Sandy Golding, 1203 North 18th Avenue, Jacksonville Beach, expressed her appreciation to the City for improving communications with the public, hosting a Public Records Workshop and having a Public Records Policy.

Merv Russell, 1308 North 7th Street, Jacksonville Beach, requested a meeting with the Mayor and City Manager, concerning the property located at 1122 North 9th Street. Mayor Sharp advised that someone would be in contact with him.

**Mayor “a”
Discussion of Open Records Law**

Mayor Sharp requested that City Clerk Heidi Reagan review the procedures for responding to a Public Records Request.

Ms. Reagan advised that the City has a records management ordinance and policy. She stated that a workshop on public records was held for city staff on March 22, 2006, and then a workshop on open meetings and public records was held for elected and appointed officials later the same day. Ms. Reagan remarked that the good news is, the city is in compliance with the Public Records and Sunshine Laws.

Ms. Reagan went on to describe the procedure used when a public records request is received. She explained when a public records request is received, her office will obtain the records from the person who has custody of the records and a file would then be created and maintained in the Clerk’s office for future reference. If a request for records concerning the same issue should be received at a later date, then any records since the last request will be obtained from their custodian and added to the file.

Following Ms. Reagan’s explanation, Council members held a brief discussion concerning the procedures.

**City Clerk “a”
Appointments to Planning Commission**

Mayor Sharp advised that three appointments to the Planning Commission were required: one regular member and two alternate members; and opened the floor for nominations for the regular member.

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Regular Member – Term to Expire on June 30, 2008

Nominations: Mr. Knight nominated Greg Sutton

There being no further nominations, Mayor Sharp requested a roll call vote.

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

Motion carried unanimously to appoint Mr. Sutton as a Regular Member of the Planning Commission; term to expire on June 30, 2008.

1st Alternate Member – Term to Expire on February 1, 2007

Nominations: Mr. Matthews nominated William Callan
Ms. Spence nominated Fred Jones
Ms. Sibley concurred with the nomination of Fred Jones

There being no further nominations, Mayor Sharp requested a roll call vote for either Mr. Callan or Mr. Jones.

Roll call vote: Christian - Fred Jones
Knight - William Callan
Matthews - William Callan
Sibley - Fred Jones
Spence - Fred Jones
Buck - William Callan
Mayor Sharp - Fred Jones

Motion carried by a vote of 4-3, to appoint Mr. Jones as the 1st Alternate Member on the Planning Commission; term to expire on February 1, 2007.

2nd Alternate Member – Term to Expire on February 1, 2007

Nominations: Mr. Matthews nominated William Callan

There being no further nominations, Mayor Sharp requested a roll call vote.

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

Motion carried unanimously to appoint Mr. Callan as the 2nd Alternate Member of the Planning Commission; term to expire on February 1, 2007.

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City Manager “a”

Recommendation to Award Bid No. 0506-9 – Penman Road Alignment Demolition Project

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, for the City Council to approve the lump sum price bid award for Bid No. 0506-9, Penman Road Alignment Demolition Project, to *Realco Recycling Company*, at a cost of \$103,999.00 plus a 10% contingency, for a total cost not to exceed \$114,398.90; and for the City Council to approve funding of ground penetration radar, archeologist, and relocation services at a cost not to exceed \$30,000.

Discussion: Mr. Forbes explained that demolition of the structures is the next step in the project to realign Penman Road. He added that the project includes demolition and removal of all buildings, structures, asphalt and/or concrete parking surface areas located with the property boundaries of the three purchased parcels of land.

Mr. Forbes then advised, upon completion of the demolition project, an under ground investigation will be performed using ground penetration radar services to check the area; and an archeologist will be available to make determinations concerning any item found, that needs to be relocated.

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

Motion carried unanimously.

RESOLUTIONS

Resolution No. 1741-2006

Mayor Sharp requested that the City Clerk read Resolution No. 1741-2006, by title; whereupon Ms. Reagan read the following:

“A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH SUPPORTING THE EXPANSION OF JTA BUS SERVICE TO NORTHERN ST. JOHNS COUNTY.”

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Resolution No. 1741-2006, as read by title only; which requests the Jacksonville Transportation Authority explore the cost, funding sources, and routes for improving Bus Service for beaches residents.

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Discussion: Ms. Christian explained that the resolution is a result of the traffic issues facing the beaches and that she had contacted JTA to explore the possibility of providing bus service along A1A into northern St. Johns County. She advised that the Ponte Vedra Chamber of Commerce has expressed interest in the expanded bus service and that the Cities of Neptune and Atlantic Beach are also in favor.

Council members Matthews, Knight and Buck, expressed their support for the expanded bus service and commended Ms. Christian for researching the possibility.

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

Motion carried unanimously.

ORDINANCES

Ordinance No. 2006-7915 – Second Reading

Mayor Sharp requested that the City Clerk read Ordinance No. 2006-7915, on its second 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 ADDING A NEW SECTION 34-160 TRAFFIC IMPACT STUDIES OF DIVISION I GENERAL APPLICABILITY; AND AMENDING SECTION 34-175 CONTENTS OF APPLICATION, SECTION 34-205(J) CONTENTS OF APPLICATION, SECTION 34-226(J) CONTENTS OF APPLICATION, AND SECTION 34-256(T) CONTENTS OF APPLICATION; ALL SECTIONS BEING PART OF ARTICLE VI DEVELOPMENT REVIEW PROCEDURES OF THE COMPREHENSIVE LAND DEVELOPMENT CODE FOR THE CITY OF JACKSONVILLE BEACH; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:”

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2006-7915, on its second reading, as read by title only; finding the proposed amendment will assist in maintaining adequate transportation levels of service and ensure orderly development, and finding it consistent with the 2010 Comprehensive Plan and not in conflict with the Land Development Code.

Discussion: Mr. Matthews remarked that he remains opposed to the amendment.

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Roll call vote: Spence, yes; Buck, yes; Christian, yes; Knight, yes; Matthews, no; Sibley, yes;
and Mayor Sharp, yes.

Motion carried by a vote of 6-1.

Ordinance No. 2006-7916 – Second Reading

Mayor Sharp requested that the City Clerk read Ordinance No. 2006-7916, on its second 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, TO AMEND SECTION 34-233. ASSIGNABILITY AND TRANSFERABILITY WHEN THERE IS A CHANGE OF OWNERSHIP OF A DWELLING UNIT AUTHORIZED AS A CONDITIONAL USE; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND FOR OTHER PURPOSES:”

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2006-7916, on its second reading, as read by title only; finding the proposed amendment will not result in significant impacts to adopted public facility levels of service, and finding it to be consistent with the Comprehensive Plan and not in conflict with the Land Development Code.

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

Motion carried unanimously.

Ordinance No. 2006-7917 – Second Reading

Mayor Sharp requested that the City Clerk read Ordinance No. 2006-7917, on its second 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, TO INSERT A TECHNICAL CORRECTION TO SECTION 34-340(E)(4)F. OF ARTICLE VII OF THE LAND DEVELOPMENT CODE

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RESULTING FROM THE APPROVAL OF AN AMENDMENT TO SECTION 52. ZONING AUTHORITY OF THE JACKSONVILLE BEACH CITY CHARTER; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:”

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2006-7917, on its second reading, as read by title only; finding it consistent with the 2010 Comprehensive Plan and with the building height regulations in the Land Development Code.

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

Motion carried unanimously.

Ordinance No. 2006-7919 – Second Reading

Mayor Sharp requested that the City Clerk read Ordinance No. 2006-7919, on its second 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 AMENDING PARAGRAPH (b)(1) AND ADDING A NEW PARAGRAPH (b)(2) OF SECTION 34-424. SITE CLEARING AND TREE PROTECTION STANDARDS OF DIVISION 3. SITE CLEARING AND LANDSCAPE STANDARDS OF ARTICLE VIII. SITE DEVELOPMENT STANDARDS TO ADD ADDITIONAL EXEMPT SPECIES OF TREES SUBJECT TO OBTAINING A TREE REMOVAL PERMIT, REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:”

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2006-7919, on its second reading, as read by title only; finding the proposed amendment consistent with the 2010 Comprehensive Plan and not in conflict with the Land Development Code.

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

Motion carried unanimously.

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Ordinance No. 2006-7920 – Second Reading

Mayor Sharp requested that the City Clerk read Ordinance No. 2006-7920, on its second 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 AMENDING SECTION 34-41 OF ARTICLE IV. DEFINITIONS TO ADD A DEFINITION FOR A “GROUND-MOUNTED MONUMENT SIGN”, AMENDING SECTION 34-445 OF DIVISION 4. SIGNS OF ARTICLE VIII. SITE DEVELOPMENT STANDARDS BY REPEALING PROVISIONS ALLOWING POLE MOUNTED GROUND SIGNS, ESTABLISHING STANDARDS FOR GROUND-MOUNTED MONUMENT SIGNS, REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:”

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2006-7920, on its second reading, as read by title only; finding the proposed amendment will promote the positive appearance of all properties whereon ground signs are permitted, and finding it consistent with the 2010 Comprehensive Plan and not in conflict with the Land Development Code.

Discussion: Mr. Forbes reviewed the following changes to the ordinance, since its first reading:

Sec. 34-445 (b)(1)(a)

- Changed from a maximum size of ninety-six square feet to a maximum size of one hundred square feet
- Changed eight feet to ten feet in height

Sec. 34-445(b)(2)(i)

- Changed from ninety-six to one hundred feet of frontage plus $\frac{1}{4}$ square foot for each linear foot of lot frontage in excess of one hundred feet
- Changed from one hundred and ninety-two to two hundred square feet for a maximum allowable sign area

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Sec. 34-445(b)(2)(ii)

- Changed the maximum width of a ground-mounted monument sign from twelve to twelve and one-half feet

Sec. 34.449(g) was amended as follows:

That Section 34-449(g) of Division 4. Signs of Article VIII. Site Development Standards of the Comprehensive Land Development Code of the City of Jacksonville Beach, Florida, is hereby amended and shall henceforth read as follows:

- (g) Building permits. No building permits shall be issued for additions, alterations, or improvements valued at ~~five thousand dollars (\$5,000.00)~~ more than fifty (50) percent of the fair market value of the structure or building for work at locations where any nonconforming sign exists.

Ms. Spence advised that she remains opposed to the ordinance and she remarked that monument-type signs are a detriment to our visitors and that they are difficult to see in traffic. Ms. Spence stated that the use of monument-type signs should be encouraged, but not required.

Mr. Buck stated that he is in favor of the monument-type signage and advised that it will add to the aesthetics of the community. He also commented that it will take time to convert all of the pole-mounted signs to the monument-type.

Roll call vote: Matthews, yes; Sibley, yes; Spence, no; Buck, yes; Christian, yes; Knight, yes; and Mayor Sharp, yes.

Motion carried by a vote of 6-1.

Ordinance No. 2006-7921 – Second Reading

Mayor Sharp requested that the City Clerk read Ordinance No. 2006-7921, on its second 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 AMENDING DIVISION 4. SIGNS OF ARTICLE VIII. SITE DEVELOPMENT STANDARDS TO ADD A NEW SECTION 34-451.

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**SEVERABILITY; TO REPEAL ORDINANCES OR PARTS OF
ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER
PURPOSES:”**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2006-7921, on its second reading, as read by title only; finding the proposed amendment necessary to maintain the integrity of the Land Development Code and finding it not in conflict with any portion of the Land Development Code and consistent with the 2010 Comprehensive Plan.

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

Motion carried unanimously.

Ordinance No. 2006-7922 – Second Reading

Mayor Sharp requested that the City Clerk read Ordinance No. 2006-7922, on its second reading by title; whereupon Ms. Reagan read the following:

“AN ORDINANCE AMENDING CHAPTER 2 – DIVISION 5, ‘GENERAL EMPLOYEES’ RETIREMENT SYSTEM’; DIVISION 6, ‘POLICE OFFICERS’ RETIREMENT SYSTEM’; AND DIVISION 7, ‘FIREFIGHTERS’ RETIREMENT SYSTEM’ OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH; CHANGING THE MAXIMUM DISABILITY BENEFIT PERIOD TO END AFTER 60 MONTHS OR AT NORMAL RETIREMENT AGE, WHICHEVER OCCURS LAST; PROVIDING EMPLOYEES WHO OPTED OUT OF THE GENERAL EMPLOYEES’ RETIREMENT SYSTEM A ONE-TIME OPPORTUNITY TO RE-ENTER THE SYSTEM; CLARIFYING ELIGIBILITY IN THE POLICE OFFICERS’ RETIREMENT SYSTEM BY DELETING THE REQUIREMENT OF ONE THOUSAND (1,000) OR MORE HOURS OF WORK IN A YEAR; 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. 2006-7922, on its second reading, as read by title only; which modifies the disability period tables, provides a one-time option to employees that opted out of the plan to re-enter the General Employees’ plan and clarifies the eligibility requirements for the Police Plan.

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Discussion: Mr. Knight advised that he had reluctantly voted to adopt the ordinance on its first reading; however, since that time he has met with trustees of his own pension system and that he no longer has any concerns that the ordinance will negatively affect the retirement system.

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

Motion carried unanimously.

Adjournment

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

Submitted by: Judy L. Bullock, Assistant City Clerk

Approval:

/s/Fland Sharp
Mayor

April 17, 2006
Date