

**Minutes of Regular City Council Meeting
Held Monday, June 5, 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 Attorney Stephen Stratford 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 following minutes, as presented:

Regular Council Meeting held on May 15, 2006

Courtesy of Floor to Visitors

Mayor Sharp extended Courtesy of the Floor to Visitors.

Speakers: **Cindy Funkhouser, Director of B.E.A.M. [Beaches Emergency Assistance Ministry], 850 South 6th Avenue, Jacksonville Beach**, addressed the Council concerning the CARE Program [Customers Assistance Relief Emergency Program] which assists utility customers with financial assistance.

Ms. Funkhouser extended her appreciation to the Council for their support of B.E.A.M. and provided a brief report of their activities over the past year. She advised that B.E.A.M. had assisted over 4,100 persons with services ranging from food and utilities to housing. Ms. Funkhouser urged council approval of the CARE contract and assured council members that B.E.A.M. is willing and able to administer the program.

Gary Wetherhold, 922 South 1st Street, #202, Jacksonville Beach, addressed the Council on beach accesses and distributed a handout. He questioned the lack of

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sidewalks on both sides of beach accesses, the absence of landscaping [more specifically Canary Palm trees] and the lack of maintenance at the 18th Avenue North beach access.

JoDee Evans, 63 South 37th Avenue, Jacksonville Beach, expressed her displeasure with the condition of the structure and landscaping at Sewer Lift Station No. 5. Ms. Evans gave a brief presentation on proposed changes to the site and provided council members with a handout.

**Mayor “a”
Presentation of the Tree City USA Award Package for 2005**

Mayor Sharp presented the Tree City USA award to former City Council member Bennie Furlong.

Ms. Furlong accepted the award and advised that this is the seventeenth year that the City of Jacksonville Beach has been named a “Tree City” She added that only two cities in Duval County have received this prestigious award, Jacksonville Beach and Neptune Beach.

**City Manager “a”
Approval of Establishment of Emergency Management Fund**

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, for the City to establish an Emergency Management Fund at a cost of \$33,000 to be used to purchase disaster preparedness equipment and supplies prior to a local disaster such as a hurricane. This money will be spent in compliance with a memo from Fire Chief Gary Frazier, dated May 17, 2006, and titled “Establishment of Emergency Management Fund”.

Discussion: Mr. Forbes explained that the City is expanding their preparation to manage emergencies and recovery efforts and to place the emphasis on recovery after a storm. To prepare for emergencies, the City is establishing an Emergency Management Fund that will be used to purchase disaster preparedness equipment and supplies. The key items to be purchased include:

- Portable/base satellite phones
- Food (ready-to-eat)
- Bottled water
- Fuel
- Generators

At this time, Mr. Forbes requested that Fire Chief Gary Frazier come forward and display both types of the ready-to-eat meals, non-heated and heated to Council members.

Mr. Forbes added that the prices are only estimates, in order to establish a budget.

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

Motion carried unanimously.

City Manager “b”

Approval of Contract for CARE and CDBG Utility Assistance Program

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley:

To authorize the City Manager and Mayor to execute an agreement with Beaches Emergency Assistance Ministry, Inc. to provide the needs assessment or eligibility determination functions for both the CDBG and CARE programs; and to authorize the Finance Officer to revise the CARE and CDBG program policies to reflect the change in the administrator for these programs.

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

Motion carried unanimously.

City Manager “c”

Approval of Business Loss Coverage

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to authorize the City Manager to extend business loss coverage under our property policy to include the Water Plants, Wastewater Plant, Electric Substations and Golf Course, as presented in the May 30, 2006, memorandum from Sue Taylor, Human Resources Director and titled “Business Loss Coverage”.

Discussion: Mr. Forbes explained that this type of insurance coverage would provide income that would normally be lost, if the City were hit with a major disaster that resulted in a site being shut down, i.e. Electric, Water Plants, Sewage Treatment Plant and the Golf Course. He advised that the City would be required to pay employees to repair the systems, even though there would be no income being generated while the utilities, etc. were down.. The addition of the Business Loss Coverage to these properties will provide a source the City with an income over a four-month period. The annual premium will be approximately \$54,000 and will provide a total payout of \$15,456,535.

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

Motion carried unanimously.

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City Manager “d”

Award of RFP for Comprehensive Planning Services to Reynolds, Smith and Hills

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to authorize the Mayor and City Manager to execute a contract with Reynolds, Smith and Hills, Inc. for Comprehensive Planning Services (*Scope of Work for the 2006 period - fee of \$107,650 (\$118,415 including contingency)*).

Discussion: Mayor Sharp and Mr. Forbes explained that the comprehensive planning services are required for the City to remain in compliance with State requirements and for implementation of the 2005 Senate Bills that were adopted. The new legislation establishes deadlines and specifies a number of tasks that will need to be undertaken by cities and counties.

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

Motion carried unanimously.

City Manager “e”

Award of RFP No. 12-0506 – Streets and Parking Lots Sweeping Services

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, for the City Council to award the unit price contract for RFP No. 12-0506, Streets and Parking Lots Sweeping Services to *Surface Management Corporation*, for a period of six (6) years and authorize the Mayor and City Manager to execute the contract (*estimated annual price - \$126,786.74; additionally, the continuing service contract will be subject to annual appropriations and have a clause that will allow the City to terminate the contract for convenience*).

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

Motion carried unanimously.

City Manager “f”

Recommendations on Awarding Bids

Bid No. 0506-10 – Sludge Hauling Services

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, for City Council to award Unit Price Bid No. 0506-10, “Sludge Hauling Services”, to the lowest, qualified bidder, *Pritchett Trucking, Inc.*, for a period of six (6) years and to authorize the Mayor and City Manager to execute the contract (*estimated annual cost (150 trailer*

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loads) -109,918.50; additionally, the continuing service contract will be subject to annual appropriations and have a clause that will allow the City to terminate the contract for convenience).

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

Motion carried unanimously.

Bid No. 0506-13 – Gasoline and Diesel Fuel – 12 Months Requirements

Motion: It was moved by Ms. Spence, seconded by Ms. Sibley, to approve the purchase of 12 months requirements of unleaded gasoline and diesel fuel from *Mansfield Oil Company*, and additional diesel fuel delivered to various locations from *Gate Fuel Service*.

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

Motion carried unanimously.

ORDINANCES

Ordinance No. 2006-7918 – Second Reading

Mayor Sharp requested that the Assistant City Clerk read Ordinance No. 2006-7918, on its second reading by title; whereupon Ms. Bullock 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 2. SUPPLEMENTAL STANDARDS, SECTION 34-407 *OUTDOOR RESTAURANTS AND BARS* OF ARTICLE VIII. SITE DEVELOPMENT STANDARDS TO MODIFY THE LIMITATIONS AND CONDITIONS FOR OUTDOOR RESTAURANTS AND BARS; 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. 2006-7918, as read by title, on its second reading.

1st Motion to Amend Ordinance: It was moved by Mr. Knight, seconded by Mr. Buck, to amend Ordinance No. 2006-7918, by adding the following wording to Section 1, Division 2. Supplemental Standards, Sec. 34-407. Outdoor Restaurants and Bars, Paragraph (h):

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“Whenever the approval for a conditional use outdoor bar or restaurant seating area is revoked for a particular establishment, a conditional use application for outdoor bar or restaurant seating shall not be considered for any portion of that establishment for a period of two (2) years after the date of revocation.”

Discussion: A brief discussion ensued regarding the 2-year period and if the revocation would continue to be in place if a business changes ownership. Council members expressed their concern that new business owners would be punished for violations committed by previous owners.

Mr. Knight advised that his intent was to penalize a business for violating the outdoor seating requirements and that the two-year period remains in place even if the business changed owners. He further explained that many businesses change ownership, but the same persons continue to be in charge of the business. By placing a two-year revocation period on the business itself, it would close any loopholes.

Mr. Matthews advised that he had recently read about the adoption of legislation that would allow dogs in outdoor seating areas of restaurants. He added that the legislation allows municipalities to determine whether they wish to allow dogs in the outdoor dining areas of restaurants. Mr. Matthews commented that he has always had dogs, but he would not want to eat with one.

Roll call vote on 1st Amendment: Christian, yes; Knight, yes; Matthews, yes; Sibley, no; Spence, yes; Buck, yes; and Mayor Sharp, yes.

Motion carried by a vote of 6-1.

2nd Motion to Amend Ordinance: It was moved by Mr. Matthews, seconded by Mr. Buck, to amend Ordinance No. 2006-7918, by adding the following wording to Section 1, Division 2. Supplemental Standards, Sec. 34-407. Outdoor Restaurants and Bars, Paragraph (f):

“No animals except seeing-eye dogs shall be permitted within an approved outdoor restaurant or bar seating area.”

Discussion: Discussion continued regarding Mr. Matthews motion to prohibit dogs from outdoor seating areas of restaurants. Council members and Mr. Lindorff questioned whether the ordinance under consideration was the proper place for the restriction. Mr. Matthews remarked, in his opinion, it was the correct place to address the issue, as the ordinance deals with outdoor restaurant seating.

Ms. Christian commented that the trend of patrons bringing their dogs with them is widespread and gaining popularity.

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Roll call vote on 2nd Amendment: Knight, yes; Matthews, yes; Sibley, yes; Spence, yes; Buck, yes; Christian, yes; and Mayor Sharp, no.

Motion carried by a vote of 6-1.

Discussion: Mr. Buck commented on the condition that outdoor seating must have the same parking requirements as indoor seating. He stated, in his opinion, that the requirement is too narrow and may prohibit many businesses from having outdoor seating areas.

Ms. Spence advised that the ordinance requirements are a standard, and that the business owner has the option of applying to the Board of Adjustment for a parking variance.

Motion to Adopt as Amended: It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2006-7918, as read by title, on its second reading, as amended.

Roll call vote: 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 7:40 pm.

Submitted by: Judy L. Bullock, Assistant City Clerk.

Approval:

/s/Fland O. Sharp
Mayor

June 19, 2006
Date