

**Minutes of Regular City Council Meeting  
Held Monday, August 21, 2006 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 Buck; Salute to the Flag.

**Roll Call**

Mayor: Fland Sharp

Council members: Lee Buck 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 Recording Secretary Linda Wilkins.

Council member Penny Christian was absent.

**Approval of Minutes**

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, and passed, to approve the following minutes, as presented:

Budget Workshop Tour held August 4, 2006  
Budget Workshop held August 7, 2006  
Regular Council Meeting held on August 7, 2006  
Budget Workshop held August 8, 2006

**Communications**

**Courtesy of Floor to Visitors**

Mayor Sharp extended Courtesy of the Floor to Visitors.

Speakers: None

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**Mayor “a”**

**Presentation by Historical Society**

Sam Van Leer and Holly Beasley, of the Beaches Historical Society, thanked the City for its support and advised that the architectural firm of Alden White won a Project of the Year award for their new facility.

**City Clerk “a”**

**Appointment of Trustees to Police and Fire Pension Board**

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, to appoint Kyndra Mulder, Esq. to the Firefighter’s Pension Board and Bruce Corbitt to the Police Officers’ Board, terms to expire March 31, 2008.

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

Motion carried unanimously.

**City Manager “a”**

**Monthly Financial Reports – Month of July 2006**

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, and passed, to accept the Monthly Financial Reports for the month of July 2006.

Motion carried unanimously.

**City Manager “b”**

**Final Design Phase Services for New Recreation Center 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 the final design phase services for the new Recreation Center building.

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

Motion carried unanimously.

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**City Manager “c”**

**Award RFP #6-0506 – Engineering Continuing Professional Services for a Period of Two (2) Years**

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, to approve the award of continuing engineering services contracts with a 2-year term to *Jones Edmunds* and *CPH Engineers, Inc.* Authorizing the Mayor and City Manager to execute contracts with these firms and the City Manager may approve one 2-year term extension with each firm subject to satisfactory work performance.

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

Motion carried unanimously.

**City Manager “d”**

**Recommendation on Awarding Bids**

**Bid No. 0506-18      Distribution Transformers – 12 months requirements**

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, to award Bid No. 0506-18 to the lowest evaluated bidders meeting specifications as described in a memo from Don Ouchley dated August 11, 2006, and titled “Bid for Distribution Transformers – 12 months requirements”.

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

Motion carried unanimously.

**Bid No. 0506-24 – Gas Recovery/Reclaim Unit for Beaches Energy Services**

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, to award Bid No. 0506-24 to purchase one (1) Mini Plus SF6 Gas Recovery System and related equipment from DILO Company, Inc., the sole-source provider, for \$17,515.00, as described in a memo from Don Ouchley dated July 31, 2006, and titled “SF6 Gas Recovery/Reclaim Unit for Beaches Energy Services.

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

Motion carried unanimously.

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**ORDINANCES**

**ORDINANCE NO. 2006-7925 – SECOND READING – PUBLIC HEARING**

Mayor Sharp requested that the City Clerk read Ordinance No. 2006-7925, on its second reading by title only, holding a public hearing; whereupon Ms. Reagan read the following:

**“AN ORDINANCE PROVIDING FOR THE CLEARING, GRADING, AND PAVING OF A PORTION OF NORTH 20<sup>TH</sup> STREET SOUTH OF 9<sup>TH</sup> AVENUE IN THE CITY OF JACKSONVILLE BEACH, FLORIDA; PROVIDING FOR THE PAYMENT OF A PORTION OF THE COST THEREOF BY THE IMPOSITION OF SPECIAL ASSESSMENTS TO BE LEVIED AND ASSESSED AGAINST THE PROPERTIES ABUTTING OR FRONTING UPON SUCH IMPROVEMENTS IN PROPORTION TO THE BENEFITS BESTOWED UPON EACH PROPERTY ASSESSED; AND DESIGNATING A TIME FOR HEARING OBJECTIONS TO THE ENFORCEMENT THEREOF AND PROVIDING FOR OTHER MATTERS RELATING THERETO.”**

Mayor Sharp opened a public hearing on Ordinance No. 2006-7925.

Discussion: Allen Hall, 1948 Brista De Mar Circle, Atlantic Beach, stated that he has 3 lots located in the area to be paved and has been waiting for the work to be completed so he can get permits to build on those lots. He spoke in favor of the project.

Paul Eakin, Eakin & Sneed Attorneys at Law, stated that he is representing property owners Wilson, Lopanik, Thompson and Johnson. He advised that his clients are not in favor of the project and would prefer that the property remain unpaved. He cited Section 28-10 of the Land Development Code which states that “All utilities, street paving, storm drainage and other improvements required for land subdivisions pursuant to subsection 34-505(f)(2) of this Code shall be installed before any unopened public right-of-way may be accepted for maintenance by the city.” He advised that the area is an open right-of-way, with vehicles traveling in and out of the area and that should not prevent the development of the properties there. He also distributed backup material for his argument.

Charles Stephens, 112 30<sup>th</sup> Avenue South, questioned the disparity in the amount of the assessments for this property versus the paving that was done on property that he owns in the Southend. Mayor Sharp requested that Mr. Forbes research this and provide the Council and Mr. Stephens with an answer to this inquiry.

Keith Hall, 1818 Azalea Drive, advised that he is partners with his father, Allen Hall, and he also spoke in favor of the project.

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Ty Edwards, Public Works Director, advised the Council that the costs of the project were assessed based on Section 53 of the City Charter, "Improvements; assessment of cost against property benefited".

At this time, Mayor Sharp closed the public hearing.

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2006-7925, on its second reading, as read by title only.

**Discussion:** The Council members held a brief discussion concerning the fact that, while they were in agreement that the property should be paved, they would like to explore the possibility of extending the length of time the property owners would have to pay for the improvements and give the City staff and City Attorney time to review the documents presented by Mr. Eakin.

**Sub. Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, to carry this item over to the September 5, 2006, meeting.

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

Motion carried unanimously.

**ORDINANCE NO. 2006-7926 – SECOND READING**

Mayor Sharp requested that the City Clerk read Ordinance No. 2006-7926, on its second reading by title only; whereupon Ms. Reagan read the following:

**“AN ORDINANCE AMENDING LATE CHARGES AS SET FORTH IN ARTICLE I “IN GENERAL” OF CHAPTER 32, “UTILITIES” OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, REPEALING ORDINANCES IN CONFLICT WITH THIS ORDINANCE AND ESTABLISHING AN EFFECTIVE DATE.”**

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2006-7926, on its second reading, as read by title only.

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

Motion carried unanimously.

**ORDINANCE NO. 2006-7924 – FIRST READING**

Mayor Sharp requested that the City Clerk read Ordinance No. 2006-7924, on its first reading by title only; whereupon Ms. Reagan read the following:

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**“AN ORDINANCE AMENDING WATER AND SEWER RATES AS SET FORTH IN ARTICLE II, “WATER AND SEWER SYSTEMS” OF CHAPTER 32, “UTILITIES” OF THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, REPEALING ORDINANCES IN CONFLICT WITH THIS ORDINANCE, AND ESTABLISHING AN EFFECTIVE DATE.”**

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2006-7924, on its first reading, as read by title only.

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

Motion carried unanimously.

**Adjournment**

There being no further business coming before the Council, Mayor Sharp adjourned the meeting at 7:43 pm.

Submitted by: Linda M. Wilkins, Recording Secretary

Approval:

/s/Fland O. Sharp  
Mayor

September 5, 2006  
Date