

**Minutes of Regular City Council Meeting  
Held Tuesday, September 5, 2006 at 7:00 P.M.  
In the Operations and Maintenance Building,  
1460 Shetter Avenue, 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, 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 following minutes, as presented:

Budget Workshop held August 14, 2006

Regular Meeting held August 21, 2006

**Communications**

**Courtesy of Floor to Visitors**

Mayor Sharp extended Courtesy of the Floor to Visitors.

Speakers: Lance Folsom, 1022 North 23<sup>rd</sup> Street, Jacksonville Beach, commended the Public Works staff for their prompt response to a fallen tree.

Ty Edwards, Public Works Director advised that that Beaches Energy Services and employees from Public Works worked as a team to resolve the problem.

**Mayor "a"**

**Presentation of Employee of the Quarter Award – 2<sup>nd</sup> Quarter of 2006**

Mayor Sharp read and presented an award to the following Employee of the Quarter:

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David Butler - Planning and Development

Fire Chief Gary Frazier advised that Firefighter David Murrett was on a gas-leak call and unable to attend the meeting.

Mayor Sharp requested that presentation of the award to Mr. Murrett be carried over to the next council meeting.

**City Manager “a”  
Submerged Land Lease for Beach Marine (Rose and Ken, Inc.)**

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, to authorize the Mayor and City Manager to execute a two-year submerged land lease agreement between the City of Jacksonville Beach and Rose and Ken, Inc., in conformance with a memo written by the City Manager dated August 25, 2006, and titled “Submerged Land Lease for Beach Marine (Rose and Ken, Inc.)”.

**Discussion:** Mr. Forbes explained that the expiring lease was a twenty-year lease; and since the property is currently for sale, the proposed lease is for two-years.

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

Motion carried unanimously.

**City Manager “b”  
Recommendation on Awarding Bids**

**Bid No. 0506-25      Vacuum Circuit Breakers**

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, to award Bid No. 0506-25 for Vacuum Circuit Breakers to *Areva T&D, Inc.*

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

Motion carried unanimously.

**Bid No. 0506-26      Three-Phase Protective Relay Test System**

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, to purchase one (1) protective relay test set from *Megger*, the low bidder that met specifications.

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

Motion carried unanimously.

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**City Manager “c”**

**Award of RFP #5-0506 – Design North 2<sup>nd</sup> Street Drainage Collection and Treatment System Stormwater Project.**

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, to award RFP No. 05-0506 to design the North 2<sup>nd</sup> Street Drainage Collection and Treatment System Stormwater Project to *Applied Technology & Management, Inc.*, and authorize the Mayor and City Manager to execute the design contract.

**Discussion:** Mayor Sharp explained that the City has experienced flooding problems in the area of 2<sup>nd</sup> Street North, between 6<sup>th</sup> and 11<sup>th</sup> Avenues North. The proposed project is being partially funded by a federal grant and should alleviate the flooding problems.

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

Motion carried unanimously.

**RESOLUTIONS**

**RESOLUTION NO. 1747-2006**

Mayor Sharp requested that the City Clerk read Resolution No. 1747-2006, on by title only; whereupon Ms. Reagan read the following:

**“A RESOLUTION PROVIDING FOR THE SALE OF SURPLUS PROPERTY.”**

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Resolution No. 1747-2006 regarding the sale of surplus property, as read by title only.

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

Motion carried unanimously.

**RESOLUTION NO. 1749-2006**

Mayor Sharp requested that the City Clerk read Resolution No. 1749-2006, on by title only; whereupon Ms. Reagan read the following:

**“A RESOLUTION AMENDING THE CITY OF JACKSONVILLE BEACH PAY AND CLASSIFICATION PLAN FOR DEPARTMENT DIRECTORS AND NONUNION MANAGERIAL, PROFESSIONAL, ADMINISTRATIVE AND UNCLASSIFIED CITY POSITIONS EFFECTIVE OCTOBER 1, 2006.”**

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**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, for City Council to adopt Resolution No. 1749-2006, amending the Position Classification and Pay Plan for Department Directors and Nonunion Managerial, Professional, Administrative and Unclassified City positions effective October 1, 2006, as outlined in the memorandum from Sue Taylor, Human Resources Director, dated August 30, 2006, as read by title only.

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

Motion carried unanimously.

**ORDINANCES**

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

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

**“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 second reading, as read by title only.

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

Motion carried unanimously.

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

Mayor Sharp requested that the City Clerk read Ordinance No. 2006-7924, on its second reading by title only; 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**

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**DESIGNATING A TIME FOR HEARING OBJECTIONS TO THE  
ENFORCEMENT THEREOF AND PROVIDING FOR OTHER MATTERS  
RELATING THERETO.”**

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

**Discussion:** Ms. Spence advised, following research, she found that there will be no real benefit to Lot 1, Block 98 and Lot 1, Block 99, as they were previously assessed when 9<sup>th</sup> Avenue North was paved; and requested that Council consider amending the ordinance.

A brief discussion ensued among council members concerning the properties in question.

**Amended Ordinance:** It was moved by Ms. Spence, seconded by Ms. Sibley, to amend Ordinance No. 2006-7925, as follows:

“At line 5 of SECTION 2, line 6 of SECTION 3, and line 16 of SECTION 3; after the phrase *and property*,

Add the phrase *of Lots 2, 3, 4, 5, and 6 of Block 98 of Section “A” and Lots 2, 3, 4, 5, and 6 of Block 99 of Section “A”.*”

**Speakers:** Paul Eakin, Eakin & Sneed Attorneys at Law, advised that he is representing property owners, Wilson, Lopanik, Thompson and Johnson and referenced a letter he sent to Council members on August 25, 2006. He stated that his clients are not in favor of the paving project, as their property will not benefit from the work. Mr. Eakin added that Section 28-10 is not applicable in this instance and referenced case law. He advised, as this is an “open” public right-of-way; the paving should be done at the City’s expense. Mr. Eakin further stated that if the city does go forward with the paving project, his clients would consider paying the 1992 rate of \$7.61 per frontage foot.

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 and concurred that the property owners should not be assessed at the proposed rate of \$165.54 per frontage foot, but at the 1992 rate. Mr. Hall also submitted photographs to the Council of the road’s condition following a recent heavy rainfall.

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Glynn Wilson, 827 North 20<sup>th</sup> Street, Jacksonville Beach, spoke in opposition to the ordinance. He stated that the City surfaced the road with #57 rock in 1992 and then continued to maintain the road until approximately one year ago. Mr. Wilson submitted photographs and a sample of the rock used to surface the road and remarked that changing the surface to asphalt will result in a major financial hardship to the affected property owners.

Keith Hall, 1818 Azalea Drive, spoke on behalf of his father, Allen Hall, and agreed that the property owners should not have to pay today's costs for work that should have been done years ago. Mr. Hall spoke in favor of the street paving project.

**Discussion:** Discussion resumed among council members. Mr. Buck asked Mr. Stratford if there was any merit to Mr. Eakin's contention that Section 28-10 is not applicable to the proposed paving project.

Mr. Stratford responded, in his legal opinion, the Council has the right to proceed with the paving project and assessment of costs.

In response to a question posed by Ms. Sibley concerning Mr. Hall's ability to develop his property, Mr. Forbes advised, if the ordinance is adopted, Mr. Hall would be required to pay the paving assessment before he could obtain any building permits.

Mr. Knight asked Mr. Edwards who paid for the gravel surface currently on the road.

Mr. Edwards responded that he was unable to locate that information; however he did find the resolution that assessed paving costs in 1992 to Lot 1, Block 98 and Lot 1, Block 99. Mr. Edwards added that 32<sup>nd</sup> Avenue South was paved in recent years and that it was a gravel surfaced road.

Ms. Spence restated the proposed amendment to the ordinance and Mr. Forbes clarified that the amendment would remove Lot 1, Block 98 and Lot 1, Block 99 from the properties to be assessed with the cost of the paving project.

Roll call vote on the amendment: 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 adopt Ordinance No. 2006-7925, as amended, on its second reading, as read by title only.

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

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Motion carried unanimously.

**ORDINANCE NO. 2006-7927 – FIRST READING**

Mayor Sharp requested that the City Clerk read Ordinance No. 2006-7927, on its first reading by title only; whereupon Ms. Reagan read the following:

**“AN ORDINANCE AMENDING CHAPTER 2 “ADMINISTRATION;, ARTICLE II “CITY COUNCIL”, SECTION 2-16 “REGULAR MEETINGS AS SET FORTH IN THE CODE OF ORDINANCES OF THE CITY OF JACKSONVILLE BEACH, FLORIDA.”**

**Motion:** It was moved by Ms. Spence, seconded by Ms. Sibley, to adopt Ordinance No. 2006-7927, on its first reading, as read by title only.

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 7:42 p.m.

Submitted by: Judy L. Bullock, Assistant City Clerk

Approval:

/s/Fland O. Sharp  
Mayor

September 18, 2006  
Date