

MINUTES
REGULAR CITY COMMISSION MEETING
September 26, 2011
CITY HALL, 800 SEMINOLE ROAD

Attendance

IN ATTENDANCE:

Mayor Mike Borno	City Attorney Alan C. Jensen
Mayor Pro Tem John L. Fletcher	City Manager Jim Hanson
Commissioner Jonathan Daugherty	City Clerk Donna L. Bartle
Commissioner Paul Parsons	Recording Secretary Nancy E. Bailey
Commissioner Carolyn Woods	

Call to Order/Pledge

Mayor Borno called the meeting to order at 6:00 p.m. Commissioner Woods gave the Invocation, followed by the Pledge of Allegiance to the Flag.

Approval of Minutes

1. **Approve the minutes of the Regular Commission Meeting of September 12, 2011.**

Motion: Approve the minutes of the Regular Commission Meeting of September 12, 2011, as written.

Moved by Daugherty, Seconded by Fletcher.

Votes:

Aye: 5 – Borno, Daugherty, Fletcher, Parsons, Woods

Nay: 0

MOTION CARRIED

Courtesy of the Floor

2. **Courtesy of the Floor to Visitors.**

Mayor Borno opened the Courtesy of the Floor to Visitors. He welcomed the audience and explained the process for public comments.

Richard Selby, 3 Forrestal Circle N., addressed the Commission regarding the beautification of Mayport Road, stating he believes it needs to be ripped out. He stated it is causing major problems for fire trucks and people trying to cross Mayport Road between Atlantic Blvd. and Plaza, as well as costing the City thousands of dollars a year to maintain it. He also addressed employee bonuses, recommending that if they eliminated the Assistant City Manager position they could afford to give raises or bonuses.

Arthur Corsano, 2314 Oceanwalk Drive W., addressed the incumbents promising to not raise taxes if re-elected, stating many voters put their faith in that promise. He stated a proposal was made during the workshop the next week to raise the tax rate to compensate for the lower property values. He stated the Commission now says taxes are not raised, and explained why this is not true for the majority who homestead their houses. He stated the majority in Atlantic Beach will feel an actual increase of about 8% in this no tax increase proposal. He also spoke against the employee pay bonus. He asked the Commission to reconsider the tax raise and keep to their promises and find the money from cuts in the budget.

Sally Clemens, 1638 Park Terrace West, gave a history lesson, pointing out that Strategic Planning has been a part of Atlantic Beach government since 2000 and it is her understanding that any planning over ten years is long-range. She also stated the Police Building has been considered since 2004. She stated now is the time to contemplate a facilitator for the coming year and asked that they not use the one from last year. She also addressed agenda Item 7D, stating she believes a 12 foot sign would be easier to be seen by a car. She also stated the \$25,638.39 difference in the Ford to the Chevy, even if paid by the grant funds, leaves her uncomfortable and wondered whether we keep cars long enough for that to be cost effective. She also asked who will pay for the charging station that will be needed. Ms. Clemens stated she is for the \$21,016 to pay for the inspection fee in Item 8C and stated we will be charged less in tipping fees if the water is squeezed out of the sludge. She ended by thanking everyone, in advance, for speaking into the microphone tonight.

Vince Champion, 1166 Pelican Bay Drive, Daytona Beach, president of Florida Police Benevolent Association, stated he believes the police were unfairly represented at the last meeting. He stated although the 4% COLA/4% Merit pay raise, as brought up at the last meeting, was discussed, the men and women of law enforcement understand the economic situation that everybody is in and are willing to sit down to begin negotiations to see if they can come to an amicable agreement they can all live with. He stated this is not the forum to do negotiations or discuss. He stated they have a forum for that and invited the Commissioners to come to negotiations. He stated although they cannot speak, they can listen to what is going on and he believes if the Commissioners would do that, they will understand where the Police are coming from and, whether they agree with their side or not, they can all make an educated decision based on knowing both sides.

No one else from the audience spoke so Mayor Borno closed the Courtesy of the Floor to Visitors.

**Unfinished Business
from Previous
Meeting**

3. Unfinished Business from Previous Meeting
A. City Manager's Follow-up Report.

City Manager Jim Hanson explained the purchase of the electric car is part of two larger grants the City received for energy improvements and upgrades. He stated the purchase of an electric car is one of a number of items in those grants. He explained the payback of this purchase is immediate with the savings from day one of gas costs. He stated they will be putting in a charging station, which should be less than \$1,000. He stated at the last meeting they were asked whether they could amend the grant contract with the State to use the funds budgeted for other energy purchases and were told by the State that is a lot of trouble and unless there was a compelling reason to make a change to the grant, they would prefer that we stay with what is in the grant application. He explained a compelling reason would be something like we can't buy an American-made electric car. He stated another issue raised was about life span. He reported the standard warranty on the Chevy Volt is 8 years or 100,000 miles and typically, for our administrative vehicles, we keep them at least 8-10 years.

He further reported on the reconciliation of the current budget estimates. He stated the request was to go back and look at all the estimates made in the May-July timeframe in

putting together the current budget estimates to see if anything has changed dramatically. He stated staff ran a printout of all City accounts and after a quick review there are some accounts that will have funds left over at the end of the year as well as accounts that appear to be over their budget estimates. He stated it did not look to staff that there was any significant variance to the budget estimates made earlier and advised against making any adjustments to the year-end estimated balance on September 30.

Consent Agenda

4. Consent Agenda

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE CITY COMMISSION AND WILL BE ENACTED BY ONE MOTION IN THE FORM LISTED BELOW. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY. SUPPORTING DOCUMENTATION AND STAFF RECOMMENDATIONS HAVE BEEN PREVIOUSLY SUBMITTED TO THE CITY COMMISSION ON THESE ITEMS.

A. Acknowledge receipt of monthly Financial Report and Utility Sales Report for August 2011.

B. Award the extension of the Annual Contract with W.W. Engineering, Inc. for Concrete Repairs for one year, from October 1, 2011 through September 30, 2012, at the current prices.

C. Award the annual contract for Landscape Maintenance at Atlantic Blvd. Medians, Mayport Road Medians & Flyover areas, Town Center, City Parks & Common Areas, (Bid No. 1011-24) to R & D Landscape & Irrigation and authorize the City Manager to sign the contract.

Mayor Borno read the Consent Agenda.

Commissioner Woods pulled Item A and Commissioner Daugherty pulled Item C.

Motion: Approve Consent Agenda Item B as read.

Moved by Fletcher, Seconded by Parsons.

Votes:

Aye: 5 – Borno, Daugherty, Fletcher, Parsons, Woods

Nay: 0

MOTION CARRIED

Commissioner Woods asked about the percentage of water loss in the Utility Sales Report, stating over the past couple of years it has been really high and this month, in particular, we had a 22% loss. She asked if it is time to take some steps to see why the number keeps going up. Mr. Hanson stated using the monthly loss gives the wrong impression and further explained the utility billing system. He stated you get an inaccurate conclusion if you just look at the single month loss, which is why they give them a rolling 12 month average. He agreed it is up, stating they have increased their meter replacement program pretty dramatically this year and believes they will see some improvement. Public Utilities Director Donna Kaluzniak reiterated that looking

at a single month is really inaccurate and will never match because they are measuring from the 1st of the month through the end of the month at the plant, yet the meter cycles are read all throughout the month. She stated the annual average is about even with last year. She stated there is a certain inherent loss with fire flow, construction water, water breaks and leaks. She explained they have been taking proactive steps with the leak detection program and the meter testing program and have asked for money to increase replacement of the small meters.

Commissioner Daugherty stated he had a question regarding cash balances. He stated under the utility balances there is a \$1.6 million dollar increase and asked what that was.

Finance Director Nelson Van Liere explained the increase for the utilities is the loan proceeds received for reimbursement of expenses for the SRF funds.

Regarding Item C, Commissioner Daugherty stated we share the medians on Atlantic Blvd. with Neptune Beach but we are paying 100% of the cost. He stated he believes Neptune Beach should pay for half of the cost of maintaining the medians and requested a report from the City Manager on the total cost of the trees and the landscape maintenance in the medians. He stated when they see the report the Commission can decide whether Neptune Beach should share the cost with Atlantic Beach.

Mr. Carper explained the landscaping in the medians on Atlantic Blvd. was added at the request of Atlantic Beach. He stated it was a joint project with Atlantic Beach, City of Jacksonville, DOT and Greenscape of Jacksonville. He stated Neptune Beach was not a partner in that project.

Commissioner Woods stated there are some agreements between Atlantic Beach, Neptune Beach, and Jacksonville and between Town Center and the beaches. Mr. Carper stated we have an Interlocal Agreement that covers Town Center and a separate Interlocal Agreement that covers the Mayport Flyover, but there is nothing that covers Atlantic Blvd. in between. Commissioner Woods stated if they are going to look at the report they might as well look at Town Center also. Mr. Hanson stated the Town Center costs are shared with Neptune Beach. Mr. Carper stated the 1996 agreement with Town Center Agency and Neptune Beach was essentially overcome by the 2001 Interlocal Agreement with Jacksonville. He stated the Town Center Agency was not a party to the 2001 Interlocal Agreement. Commissioner Woods stated she did not see anything that said they were absolved of their responsibility. Mr. Carper stated it was not addressed; they were not a party to it. Commissioner Woods stated if we still have a contract with them, then that contract is withstanding. She reiterated there is nothing in the 2001 agreement that says because of this Town Center doesn't have to pay, so she believes as long as we are looking at this we might as well look at the whole thing. Mayor Borno clarified she is asking for review to see if Town Center has any obligation against the 2001 agreement. Commissioner Woods stated no, she is saying as far as the expenses for the medians that are part of this project, the Town Center Agency has some financial responsibility for upkeep, maintenance, etc. She stated we renegotiated with Neptune Beach and Jacksonville, but she doesn't believe we

renegotiated with Town Center Agency and does not believe anywhere in the 2001 agreement it says this absolves Town Center of all their responsibilities.

Commissioner Daugherty stated he just wanted the Commission to be thinking between now and the next meeting because he is going to ask for them to formally request that Neptune Beach share in these costs. He stated, hopefully, by the next meeting they will have a report of what those costs are.

Motion: Approve Consent Agenda Items A and C as read.

Moved by Parsons, Seconded by Daugherty.

Votes:

Aye: 5 – Borno, Daugherty, Fletcher, Parsons, Woods

Nay: 0

MOTION CARRIED

Committee Reports

5. Committee Reports

None.

Item 8A was taken out of sequence and acted on at this time.

A. Reconsideration for Inclusion of Employee Bonus in FY11/12 Budget and Choice of Bonus Method.

Mayor Borno stated, being on the prevailing side, he requested this be resubmitted. He explained he got confused and, after reviewing his vote and realizing it was not what he had intended, he wanted it brought back for reconsideration.

Motion: Reconsideration of the vote to exclude the employee bonus.

Moved by Parsons, Seconded by Borno.

Motion: Call the question.

Moved by Fletcher, Seconded by Parsons

Votes:

Aye: 4 – Borno, Daugherty, Fletcher, Parsons

Nay: 1 - Woods

MOTION CARRIED

City Attorney Alan Jensen stated the motion for reconsideration is still on the board. He stated they just approved the motion to call the question on that motion. He stated now they go directly to a vote on the motion for reconsideration. He stated if that motion is passed then they go back to the original question on the employee bonus which was on the last meeting's agenda.

Mayor Borno clarified if they want to reconsider the employee bonus, vote Aye, if they don't want to reconsider it, vote Nay. He asked the City Clerk to call the roll.

Roll Call Votes:**Aye - Fletcher, Parsons, Borno****Nay –Woods, Daugherty**

Motion: Approve Option 2, two and one-half years of service and a 1.1835% lump sum bonus.

Moved by Parsons.

Motion failed due to lack of a second.

Motion: Approve Option 3, lump sum payment in the amount of \$556.11 to all employees with one year of service, estimated cost of \$66,000.

Moved by Borno, Seconded by Fletcher

Commissioner Daugherty stated he recognizes the employees deserve recognition, however, given the budget we have he does not feel comfortable taking money from savings in order to do this.

Commissioner Woods stated she had problems at the last meeting with the process and still does. She stated she believes all of this related to wages, bonuses, pension, etc. needs to happen at a negotiating table and not here during the Commission meetings. She stated she has changed her mind on the way she voted last week for that reason.

Mayor Borno agreed this is convoluted and they need to see if there is not a better way to put this together.

Commissioner Fletcher stated he introduced the motion to withdraw that from the budget prior to being fully informed of the 4% number and getting a chance to reflect on the union negotiations the City has in front of them. He also stated he believes public sector employees are taking a bashing in the media, which he believes is unfair. He stated they haven't had a raise in his office in a couple of years, but they have really good morale. He does not believe we have good morale here, stating the public employees pick up the paper every week and see an editorial or letter to the editor bashing the public sector employees and he bristles at that and believes that is wrong. He stated for two reasons he is inclined to support this; one, this will give the future commission a bargaining chip for the union negotiations and, two, we have a morale issue.

Commissioner Parsons stated this is a one-time bonus and he does not have a whole lot of faith with what will happen with the negotiations with the unions, which is why he is in favor of this. He agreed it gives us something to negotiate with at that time, as well. He stated he considers the employees an asset to the City and believes they are a very good asset. He stated this is an excellently run City and the employees do a fantastic job. He stated this is only the second time in four years that the employees would get anything, which is why he still supports this.

Commissioner Daugherty stated he believes by passing this we are weakening our bargaining power with the Police Union because we are already giving them 1%. He

further stated if he could just give it to the Public Works guys making \$20-30,000/year, he would, but they have to do something that is fair and equitable to everybody. He stated he appreciates our employees and believes they do a phenomenal job but they represent the people of our City and the people of our City are getting laid off, having their pay cut, or not getting any raises, and they are asking him why the people working for the City are getting increases, or a bonus. He stated he does not think it bodes well for us as representatives of the electorate. He stated he can't support any bonuses.

Mayor Borno stated he brought this up because he didn't think all of them understood everything that transpired at the last meeting and believes it is a fairness issue.

Commissioner Fletcher stated he did understand it but he thought long and hard about it and had a change of heart.

Commissioner Woods stated she wanted to clarify that if this is approved it does come out of our fund balance above the 25%. Mayor Borno stated that was correct.

Roll Call Votes:

Aye: 3 – Borno, Fletcher, Parsons

Nay: 2 - Daugherty, Woods

MOTION CARRIED

City Manager Hanson asked the Commission to consider a minor change. He stated the bad economy, lack of raises, and increases in the health insurance costs affects the lower end employees the hardest and, with this in mind, he and David Thompson would like to forego their bonuses and have them added instead to the people at the lowest 10% of the pay scale. He stated they would like the Commission's approval to reallocate that money so the people at the very bottom of the pay scale would get a little bit more.

Motion: Accept bonus cut from City Manager and Assistant City Manager and reallocate that money to the lowest 10% of employees on the pay scale.

Moved by Parsons, Seconded by Woods

Roll Call Vote

Aye: 5 - Fletcher, Parsons, Woods, Daugherty, Borno

Nay: 0

MOTION CARRIED

Action on Resolutions

6. Action on Resolutions

A. Resolution No. 11-25, Public Hearing and Final Reading on adopting a Millage Rate.

A RESOLUTION OF THE CITY OF ATLANTIC BEACH, FLORIDA LEVYING THE AD VALOREM PROPERTY TAX MILLAGE RATE FOR MUNICIPAL PURPOSES ON ALL TAXABLE PROPERTY WITHIN THE CITY FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; STATING THE PERCENTAGE BY WHICH THE MILLAGE TO BE LEVIED

EXCEEDS THE ROLLED-BACK RATE; AND PROVIDING AN EFFECTIVE DATE.

Mayor Borno read Resolution No. 11-25 by title.

He stated the first item to be considered is the adoption of the Millage Rate by Resolution No. 11-25. He stated the Tentative Millage Rate is 3.3285, the Roll-Back Rate is 3.3285 and the Tentative Millage Rate is the same as the Roll-Back Rate with no percent difference.

The purpose for adopting the millage rate of 3.3285 is to maintain a level of ad valorem tax revenue sufficient to maintain adequate funding for the existing level of services at anticipated increased cost and to continue to maintain the City's infrastructure.

Motion: Adopt a Millage Rate for operating purposes of 3.3285 and Approve Resolution No. 11-25.

Moved by Parsons, Seconded by Fletcher

Mayor Borno opened the Public Hearing. No one from the audience spoke, so Mayor Borno closed the Public Hearing.

Commissioner Fletcher stated Commissioner Daugherty mentioned how Jacksonville is having to cut staff, but for seven or eight years in a row they rolled back their rate, not anticipating the fact that property values could drop in the future which could really hamper their revenue profile. He stated, in respect to Mr. Corsano's comments, we are in a situation in Atlantic Beach where we have some serious boomerangs that are out there for the new Commission that are going to come back and need to be dealt with. He stated two examples are the fire contract, which if the City of Jacksonville exercises their right to terminate the fire contract it could result in an additional \$1 million from our general fund. He stated there are also tipping fees. He stated if we approve this roll up rate it is moving the base line up so you are not operating from a lower number. He believes, with what is coming down the way, to go to the roll up rate is the responsible thing to do.

Commissioner Daugherty stated he is still against this for the same reason he was against it the last time. He stated they were given a balanced budget with no increase in the roll up rate and the only difference in what they were given and what they ended up doing was the \$227,000 to cover the cost of employee health insurance. He stated you can't get the health insurance plan we have anywhere else. He stated we pay 95% of an employee's healthcare coverage and when he tells people that in the private sector it blows their mind. Commissioner Fletcher interjected his office pays 100% and he is a private sector employer. Commissioner Daugherty stated that is very rare but he is an insurance agency and he understands that. He stated the reason he is going to vote against the budget is because of that \$227,000 we are spending. He stated he can't support the subsidization of the health care increase.

Mayor Borno stated whenever the value of houses has been up the Commission has been very studious about lowering the tax millage rate. He stated it is something they take into consideration each year when they work on the budget but until you spend 9-12 hours going through this budget, piece by piece, will you start to get a feel for how some of these things happen. He stated he did not agree with Commissioner Daugherty's analysis. He stated that, to him, is not a driving force on why this is happening.

Roll Call Votes:

Aye: 3 – Fletcher, Parsons, Borno

Nay: 2 – Woods, Daugherty

MOTION CARRIED

7. Action on Ordinances

**A. Public Hearing and Final Reading on ORDINANCE NO. 20-11-111
establishing the Operating Budget for Fiscal Year 2011/2012.**

AN ORDINANCE ADOPTING THE FINAL BUDGET FOR THE CITY OF ATLANTIC BEACH, FLORIDA FOR FISCAL YEAR BEGINNING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012.

Mayor Borno read Ordinance No. 20-11-111 by title.

Motion: Amend Ordinance No. 20-11-111 to add \$65,146 for employee bonus back into budget.

Moved by Parsons, Seconded by Fletcher

Roll Call Votes:

Aye: 3 – Parsons, Fletcher, Borno

Nay: 2 – Woods, Daugherty

MOTION CARRIED

Motion: Approve Ordinance #20-11-111, as amended, establishing the Operating Budget for fiscal year 2011/2012 for \$29,647,486.

Moved by Parsons, Seconded by Fletcher

Mayor Borno opened the Public Hearing.

Allan Gasoparovic, 333 Saturiba Drive, asked about the process for the budget and whether, with this change, do they now have a second reading. Mayor Borno explained the process of the first and final readings and stated this was the final reading and it can be amended at the final reading.

No one else from the audience spoke so Mayor Borno closed the Public Hearing.

Commissioner Daugherty discussed downsizing the Animal Control Department by one employee.

Commissioner Fletcher suggested he wait until the new Commissioners are here.

Mayor Borno stated the citizens have requested the level of service from Animal Control we currently have. He stated if they want to tell us they want a lesser level of service that is one issue and, secondly, the irregularities with the Jacksonville Interlocal Agreement will be taken up in the near future.

Commissioner Woods explained why she was not supporting this budget. She also explained why she supports paying for the healthcare for the employees. She also stated she believes the strategic plan should be mirrored in our budget and expressed concern regarding the public safety issues around the Mayport Corridor. She stated we have let a C.O.P.S. officer and our Community Redevelopment Director slip away, which is two thirds of the safety program that we have instilled in the Mayport Corridor. She believes this will hurt the progress we have made in that area. She stated she also believes it is very short sighted for us to abandon the project we have in improving the Mayport Corridor. She stated when the Navy ships come in and new personnel come, the first area they look at is right around Mayport Road and Atlantic Beach and if we are letting that area slide and not focusing on having it come up to the standards that anyone moving into the City would want, we are remiss and missing the big picture. She stated she fought hard for this when it went through strategic planning and believes it is a huge mistake to let those positions go, which is a big reason she cannot support this budget. She further stated she does not believe we should continue to pay for the proposed police building, as it stands.

Commissioner Fletcher stated he appreciated Commissioner Woods input and does not know what happened during the budget workshops. He stated had she articulated these issues during the workshops, he would have supported some of these things.

Mayor Borno stated he also appreciated Commissioner Woods' concerns. He stated when they did the Mayport Corridor, he believes they bought into it for a minimum of three years and they are at the three year point. He stated he believes it is time to readjust our focus to the economic side. He stated they have formed the Commercial Businessmen Committee, which will be picking up both Mayport Road and Atlantic Blvd. He further stated there is a Navy impact study being worked on by the university graduate student which can be used in conjunction with the economics and other things. He stated there are several things in progress that will influence things in the future.

Mr. Hanson stated as discussed in the budget workshops, they have reduced one C.O.P.S. officer. He stated there is a grant application pending for that officer but they do not know whether it will be funded or not. He explained the Mayport Redevelopment Coordinator was cut to a half-time position to be split between the work on the Corridor and the Police Department as a detective. He stated we are not abandoning the Mayport Corridor's strategic plan.

Roll Call Votes:

Aye: 3 – Fletcher, Parsons, Borno

Nay: 2 – Woods, Daugherty

MOTION CARRIED

B. ORDINANCE NO. 95-11-104, Public Hearing and Final Reading

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, FLORIDA, AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES, ANIMALS, AND CHAPTER 13, OFFENSES, TO DELETE ANY REGULATION OF FIREARMS AND AMMUNITION, TO CLARIFY THE DEFINITION OF REPLICA FIREARMS, AND PROVIDING AN EFFECTIVE DATE.

Mayor Borno read Ordinance No. 95-11-104 by title.

Motion: Approve Ordinance No. 95-11-104.

Moved by Woods, Seconded by Fletcher

Mayor Borno opened the Public Hearing. He explained the background of legislation requiring the amendment to the Ordinance.

No one from the audience spoke so he closed the Public Hearing.

Votes:

Aye: 5 – Borno, Daugherty, Fletcher, Parsons, Woods

Nay: 0

MOTION CARRIED

C. ORDINANCE NO. 80-11-81, Introduction and First Reading

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, FLORIDA INCREASING THE MONTHLY STORM WATER UTILITY FEE BY AMENDING CHAPTER 22 UTILITIES, ARTICLE IV, STORM WATER MANAGEMENT, DIVISION 2 RATES AND CHARGES, SECTION 22-335 FEES; PROVIDING FOR INTENT; PROVIDING FOR THE ADOPTION OF A NEW RATE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Borno read Ordinance No. 80-11-81 by title.

Motion: Approve Ordinance No. 80-11-81.

Moved by Daugherty, Seconded by Fletcher

Commissioner Woods asked if this was included in the budget they just passed. Mayor Borno stated yes. He stated during the budget workshop, it was determined that the estimated annual budget impact on stormwater revenue needed to be increased because the current fees do not pay for maintenance of the stormwater. He stated it was proposed that they be adjusted by \$1.89/per housing unit/per month. Commissioner Woods asked if this was just for homes within the City. Mr. Hanson stated yes, Jacksonville has their own stormwater fee and Atlantic Beach is not responsible for stormwater outside the city limits.

Commissioner Daugherty stated we have a very good system and have been subsidizing it through the gas tax fund while ignoring a lot of our roads.

Votes:

Aye: 5 – Borno, Daugherty, Fletcher, Parsons

Nay: 1 - Woods

MOTION CARRIED

D. ORDINANCE NO. 60-11-16, Introduction and First Reading

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, FLORIDA, AMENDING CHAPTER 17 OF THE CODE OF ORDINANCES, SIGNS AND ADVERTISING STRUCTURES, ARTICLE IV, NONCONFORMING SIGNS AND WAIVER TO CERTAIN PROVISIONS, SEC. 17-51 NONCONFORMING SIGNS, TO ALLOW UNTIL JANUARY 1, 2015, FOR NONCONFORMING SIGNS TO COME INTO COMPLIANCE, AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Borno read Ordinance No. 60-11-16 by title.

Motion: Approve Ordinance No. 60-11-16.

Moved by Fletcher, Seconded by Parsons

Building Official Mike Griffin summarized his staff report explaining we currently have 73 free standing signs and 19 businesses have come into compliance with the current sign ordinance. He showed slides of examples of signs that have come into compliance and signs that would be affected by the ordinance.

Mr. Griffin answered questions from Commissioner Fletcher about waivers, stating Mr. Kooba, who appeared before the Commission, was granted a waiver related to public safety. Commissioner Fletcher asked how many of the 19 signs in compliance were voluntary. Mr. Griffin stated he would guess it to be around 5-6 signs.

Commissioner Daugherty stated he believes this is an area that the City is a little heavy handed in regulating. He stated he does not believe these changes are necessary; pointing out some will cause public safety issues. He stated we are not a gated community and should want to be as business-friendly as we can. He stated he would like to get rid of these requirements altogether and asked the City Attorney if we did so, would there be any legal ramifications for the business who have already been required to come into compliance. Mr. Jensen stated there would not be. Commissioner Daugherty stated he would like to pass this and also look in the future into changing this to get rid of these requirements for businesses.

Mr. Hanson gave an historical perspective, stating the sign ordinance changes were one of the first things the City Commission did in the early 2000s. He stated after Atlantic Beach approved these sign regulations they asked the City of Jacksonville to adopt similar regulations, which they did. He stated their grandfathering time comes in a little later than ours, but it would seem odd for Atlantic Beach to have adopted certain regulations, ask Jacksonville to mirror them, and then have Atlantic Beach change theirs.

Votes:

Aye: 5 – Borno, Daugherty, Fletcher, Parsons, Woods

Nay: 0

MOTION CARRIED

E. ORDINANCE NO. 25-11-42, Introduction and First Reading

AN ORDINANCE OF THE CITY OF ATLANTIC BEACH, FLORIDA, AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES, FLOOD HAZARD AREAS, RELATING TO FLOOD DAMAGE PREVENTION, IN ORDER TO ADOPT, TO THE EXTENT APPLICABLE, THE REGULATIONS AND POLICIES SET FORTH IN THE STATE OF FLORIDA MODEL FLOOD DAMAGE PREVENTION ORDINANCE; PROVIDING FOR STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL PROVISIONS; PROVIDING FOR ADMINISTRATION; PROVIDING FOR PROVISIONS FOR FLOOD HAZARD REDUCTION; PROVIDING FOR VARIANCE PROCEDURES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Borno read Ordinance No. 25-11-42 by title.

Motion: Approve Ordinance No. 25-11-42.

Moved by Fletcher, Seconded by Parsons

Mr. Griffin summarized the Ordinance, stating we are a Class 7 community which allows us a 15% discount in our flood insurance policies. He presented a slide of the Community Rating System. He explained FEMA has put out a new map changing the flood zones, which will be available in November.

Commissioner Fletcher left the meeting at 7:40 p.m.

Mr. Griffin stated the City of Jacksonville's Property Appraiser website can give you the flood zone you are in, by putting in your address. Mayor Borno stated citizens who are not computer literate can contact Mr. Griffin to see what flood zone they are in.

Commissioner Fletcher returned at 7:43 p.m.

Votes:

Aye: 5 – Borno, Daugherty, Fletcher, Parsons, Woods

Nay: 0

MOTION CARRIED

**Miscellaneous
Business**

8. Miscellaneous Business

A. Reconsideration for Inclusion of Employee Bonus in FY11/12 Budget and Choice of Bonus Method.

This item was taken out of sequence and acted on earlier in the meeting.

B. Purchase of Chevy Volt, deferred from last meeting.

Motion: Approve the purchase of the Chevrolet Volt from Nimnicht Chevrolet for the price of \$38,816.39.

Moved by Woods, Seconded by Fletcher.

Commissioner Fletcher pointed out that the cost difference between the Ford Focus and the Chevrolet Volt is being totally paid for by a Federal grant administered by the State and there is no other way we can use this money. He stated he concurs with the conclusion that this is the best course of action.

Commissioner Daugherty stated the reason he asked for deferral at the last meeting was to see if there was any alternatives and we received the answer back that there wasn't. He stated he still doesn't like the fact that our Federal dollars are being spent this way but this is best for the City because of our gas costs, so he will vote for it.

Mr. Hanson stated he believes the Federal government also benefits from subsidizing these cars and he believes there is a particular interest in having one driven by a city government because it adds a realm of credibility by having a local government use such a thing. He stated this does promote energy efficiency long-term for people to realize electric vehicles aren't just a dream, they work. He stated they are more expensive but the idea is when people start buying more of them, the price will come down, as with the hybrid cars. David Thompson stated people have a bias/concern about buying an all electric vehicle due to performance issues, etc. He stated he drove one and the performance is excellent, it has plenty of power and is a very well made vehicle.

Commissioner Daugherty asked where we will be using this vehicle. He stated he hoped it will be used by an employee who drives a lot, such as the Code Enforcement Officer or C.O.P.S., rather than the Police Chief where it would sit for most of day. Mr. Thompson stated he was not sure where it will be assigned, but the funding is coming from the Police Department for replacing a Police vehicle. Chief Classey stated the car was not suitable to put in a patrol capacity because you can't install the necessary equipment so it will either be an administrative or detective car.

Votes:

Aye: 5 – Borno, Daugherty, Fletcher, Parsons, Woods

Nay: 0

MOTION CARRIED

- C. Reconsideration of Change Order #1 (Bid No. 1011-16) for Sludge and Odor Control Project for Time Delay and Related Project Inspection Cost.

Motion: Reconsider execution of Change Order No. 1 for WPC Industrial Contractors, LLC.

Moved by Woods, Seconded by Daugherty.

Roll Call Votes:

Aye: 2 – Daugherty, Woods

Nay: 3 - Fletcher, Parsons, Borno

MOTION FAILED

- D. Naming of Tideviews boardwalk.

Commissioner Daugherty suggested naming the boardwalk Sunset Pier.

Motion: Name Tideviews boardwalk Sunset Pier.

Moved by Daugherty.

Motion failed due to lack of a second.

Mayor Borno stated with this being part of the Preserve and the Master Plan and having public input last Saturday, he believes we should consider opening this up to the public for their suggestions. Commissioner Daugherty agreed that would be very appropriate. Commissioner Fletcher stated, as Commissioner-elect Mark has been involved in this for a long time, he believes it would be appropriate for her to be sitting up here when they undertake that consideration. Mr. Hanson asked if the Commission wants staff to put out some kind of notice that we are soliciting possible names for this. Commissioner Fletcher stated he would like to wait until the new Commissioners are here. Mayor Borno stated staff could draft something up but not publish it. Commissioner Woods stated since we are having input from citizens at this point, to start gathering that information at any time is a good idea.

City Manager

9. City Manager

A. City Manager's Report.

City Manager Jim Hanson reported on the Strategic Planning quarterly report. He pointed out that Rick Carper will be presenting the Marsh Master Plan to the Oceanside Rotary Club tomorrow morning, which is the group that has put money into a number of City projects, including the Skate Park.

**Reports/Requests
City Commissioners
City Attorney**

10. Reports and/or requests from City Commissioners and City Attorney

A. Appointments to the Pension Board of Trustees.

Commissioner Fletcher reported on the recommendations of the Board Member Review Committee for reappointments to the Pension Boards and submitted these to the Commission for their approval.

Motion: Reappoint John Wolfel to the Police Officers Pension Board of Trustees and Alan Gleit and Bob Sternfeld to General Employees Pension Board of Trustees.

Moved by Borno, Seconded by Woods

Votes:

Aye: 5 – Borno, Daugherty, Fletcher, Parsons, Woods

Nay: 0

MOTION CARRIED

Commissioner Fletcher further stated the Board Member Review Committee interviewed and recommended that Michael Witherspoon be appointed to serve as a new member on the Police Officers Pension Board of Trustees.

Motion: Appoint Michael Witherspoon to serve as a new member on the Police Officers Pension Board of Trustees.

Moved by Borno, Seconded by Parsons

Votes:

Aye: 5 – Borno, Daugherty, Fletcher, Parsons, Woods

Nay: 0

MOTION CARRIED

Commissioner Daugherty

- Stated he would like to get more people on the Boards from his district and asked that they get involved.
- Discussed unmarked pedestrian crossings on the bike paths and asked the City Manager to work with Rick Carper to put together a proposal on improvements for public safety.

Mayor Borno

- Stated he is bringing back the City Investment Committee and reappointing Bob Sternfeld, John Wolfel, Alan Gleit and Nelson Van Liere to evaluate changes to the investment policy.

Adjournment

There being no further discussion, the Mayor declared the meeting adjourned at 8:06 p.m.

Mike Borno, Mayor/Presiding Officer

ATTEST:

Donna L. Bartle, CMC
City Clerk

MINUTES OF SPECIAL CALLED (SHADE) MEETING OF
ATLANTIC BEACH CITY COMMISSION HELD ON OCTOBER 3, 2011

PRESENT: Mayor Mike Borno
Mayor Pro-Tem John Fletcher
Commissioner Jonathan Daugherty
Commissioner Paul Parsons
Commissioner Carolyn Woods

ALSO: Jim Hanson, City Manager
George Foster, City Chief Negotiator

The Mayor called the meeting to order at 6:00 p.m. in the Commissioner Chamber with Commissioners Daugherty, Fletcher, Parsons and Woods present for the purpose of discussing matters related to Union negotiations. The Mayor advised that as provided by Florida Statute 447.605, discussions regarding collective bargaining negotiations are not open to the public but will be conducted within a Shade meeting. The Mayor then adjourned the public meeting to a Shade meeting to be conducted in the City Hall North Conference Room.

The current status of the Union negotiations with the Coastal Florida Police Benevolent Association, Inc., (BPA) and the Northeast Florida Public Employees Local 630 "Blue Collar" Unions were then discussed with guidance being provided to the City negotiator.

The meeting reconvened to the sunshine in the Commission Chamber where the Shade Meeting and the Special Called Meeting were adjourned at 5:45 p.m.

Mike Borno
Mayor/Presiding Officer

ATTEST

Donna L. Bartle, CMC
City Clerk