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BARRICADE BATTLE
Barriers ordered to be removed at
Hoby's Honey store lot **Story, B-3**



Terry Dickson

Lawsuit filed to stop sales tax vote

Citizens groups argue wording of measure is confusing, misleading

By David Bauerlein

david.bauerlein@jacksonville.com

A lawsuit filed Wednesday seeks to knock a proposed half-cent sales tax off the Aug. 30 ballot, contending the ballot language is so confusing and misleading that it would

cause voters to reach many interpretations about what the choice is before them.

The suit, brought by five Duval County voters, also contends the ballot measure is illegal because City Council voted in May to put the matter on the Aug. 30 ballot, even though a

state law allowing the referendum did not take effect until July 1.

City officials said the referendum language meets all requirements of state law in how it asks voters whether they will support or oppose the half-cent sales tax.

"City officials, including the mayor, the City Council and the Office of General Counsel, invested significant time, effort

and resources in the development of the precisely crafted ballot language," a statement released by the mayor's office said. "Through this collaborative effort, the city created an accurate, clear and concise question that meets all legal requirements."

Three of the voters filing the suit — Joseph Andrews, Connie Benham and Lynne Price — are affiliated with Concerned

Taxpayers of Duval County, an organization that tracks government spending. Two other plaintiffs — Juan Gray and the Rev. Larry Wilcox — are leaders of the Jacksonville chapter of the Southern Christian Leadership Conference, a civil-rights organization.

The suit argues the ballot summary fails to

BALLOT continues on B-4



Will Dickey@jacksonville.com

Skate boarders participate in warm-ups during open skating before the Krux Kickflip Challenge in May. The nonprofit's goal was focused on attracting visitors by offering various activities. Still, some council members have concerns.

HEMMING SKEPTICS

Council panel expresses lack of trust in nonprofit seeking to stay afloat

By Christopher Hong

christopher.hong@jacksonville.com

A City Council panel Tuesday criticized leaders of the nonprofit that oversees downtown's Hemming Park, with several senior members saying they've lost confidence in the group's ability to manage the park on behalf of the city.

Criticism of the group, Friends of Hemming Park, comes as council members weigh whether to continue paying them to oversee Hemming Park. The group has already received \$1.1 million since 2014.

Mayor Lenny Curry proposes paying the group roughly \$41,000 a month from October to next March. In the meantime,

the group wants an additional \$150,000 to stay afloat until those payments kick in.

All of that money needs to be approved by the City Council, which has formed a panel to discuss future of Hemming Park and City Hall's relationship with the nonprofit.

The group says it has enough money to stay running until mid-August, and leaders say they hope the council will pay them the \$150,000 by that time.

The panel didn't make any recommendations about the money at its meeting Tuesday, but some council members said they have yet to be convinced to grant the group's request for more money.

Since taking over the park, the group's

improvement plan focused on attracting visitors by offering an array of activities. The park received a visual makeover, food trucks and a coffee shop are open daily, and bigger events, like food festival and concerts, are occasionally held.

Still, some council members have long held concerns about the nonprofit's financial stability and its progress improving the park's perception and cleaning up behavior like public urination and drinking.

Criticism of the group reached new heights after city auditors last week released a report focusing on the group's spending.

HEMMING continues on B-4

Curry, Gulliford call for Beaches to support sales tax

Vote is Aug. 30 on referendum to help pay down pension debt

By Amanda Williamson

amanda.williamson@jacksonville.com

Jacksonville Mayor Lenny Curry reminded concerned Beaches residents Wednesday night that, when dealing with the unfunded pension debt crippling the budget, everyone is in it together.

Curry and Councilman Bill Gulliford urged everyone present during a town hall meeting at Neptune Beach's Fletcher High School to vote yes Aug. 30 on a proposed half-cent sales tax.

If approved, that half-cent sales tax would help to pay down the city's massive pension debt.

The tax would start in 2030 when the existing half-cent sales tax for the Better Jacksonville Plan expires.

But Beaches residents wanted to know: why should they vote for a half-cent sales tax they seemingly would receive nothing from to pay for a problem they didn't contribute to?

"If this half-penny expires, the crippling of our city budget is only going to get worse, which means we aren't going to have the operating dollars to meet your needs," Curry said. "I'm not asking you to vote yes to give something to police and firemen in the city of Jacksonville, to its general employees. It's just that we, as a county, owe this debt."

BEACHES continues on B-2



Bob.Self@jacksonville.com

According to a report by the Union of Concerned Scientists, Mayport Naval Station could lose 25 percent of its territory to rising water by 2050.

Report: Mayport could lose 25% of land to sea level by '50

By Steve Patterson

steve.patterson@jacksonville.com

Mayport Naval Station could lose a quarter of its territory to rising water by 2050, the Union of Concerned Scientists said in a report released Wednesday.

Losses by 2100 could exceed half the 3,409-acre base at the mouth of the St. Johns River if steps aren't taken to prevent flooding, said the report about sea-level impacts on military installations on the Atlan-

tic and Gulf coasts.

Out of 18 bases the organization examined, the report said four could lose at least 20 percent of their land because of daily high-tide flooding by 2050.

MAYPORT continues on B-4

Abused spouse lives to advise others about it

ST. SIMONS ISLAND | You never know what goes on behind closed doors.

A lot of bad things went on behind the doors where Sarah McGinnis lived as a Navy wife at Kings Bay Naval Submarine base.

"You live your life, and people think you're a great couple. He's in the military. He's making rank," she said.

Out of view of their friends, neighbors and her husband's fellow sailors, McGinnis was a victim of domestic abuse. When her husband wasn't using his fists, he was saying hateful things.

He wanted things his way right now, she said.

"One of the things my husband said to me one time is, 'I'm going to beat the stubbornness out of you,'" she said during a phone call from Starkville where she's a graduate student in medical entomology at Mississippi State University.

They kept up appearances. At dinner one night, one of their friends said he couldn't understand how a man could hit his wife. He finally understood years later why her husband had just sat there in dead silence, McGinnis said.

It wasn't just the pain of her being beaten and harangued. They had a son, and if she reported the abuse the best they could hope for was that her husband would get a reduction in rank and pay. She also feared the embarrassment that would arrive with flashing blue strobe lights.

"There's the fear of if he gets in trouble, there goes the paycheck, there goes the food, there goes the rent," McGinnis said. "We lived in a great neighborhood. You don't want the police showing up in the middle of the night."

So she took it, took it for nine years, even though she had to be treated after one attack. She had gotten counseling, advice on how and when to leave and how to survive outside her marriage. She had a choice: It wouldn't be an "open case" with investigators involved unless she approved.

It is a special irony that she stopped taking it because of her son.

"We were on a trip and my husband was berating me because I had to stop and go to the bathroom. My son joined in. That's when I knew I had to get out," she said.

She could not risk her son following in his father's footsteps so she left in January 2012 and told her counselor she wanted to open the case.

Her husband's chief petty officer immediately went to their house and told her husband, "You need to come with me." The Navy Criminal Investigative Service took over and questioned her husband, who didn't seem to grasp why all the fuss.

Her husband just calmly told investigators, "Yeah. I remember punching my wife in the head," McGinnis said.

"It was like, 'I mowed the yard yesterday,'" she said of his demeanor.

She enrolled part time at Valdosta State, working full time at a call center and part time as a bus driver at the university. She had to work because the Navy couldn't release any money to her until the case was resolved. It took 10 months, but his words and medical records combined to convict him. He spent a couple of months in confinement and was given a bad conduct discharge. With that resolved, the Navy gave her the money she was due.

She came back to Glynn

DICKSON continues on B-6

Iowa driver who killed cyclist stopped to help

Middleburg cyclist who was injured in separate case faces long recovery

By Teresa Stepzinski
teresa.stepzinski@jacksonville.com

The pickup truck driver who hit and killed bicyclist Wayne Ezell, a retired Times-Union editorial writer, early Sunday in Iowa stopped immediately, called 911 then helped with emergency first aid, says the North Florida Bicycle Club president.

Mark Atkins, who was riding ahead of Ezell, described the collision and efforts to save the life of Ezell on the club's Facebook page.

The grief over Ezell's death was made even worse, Atkins wrote when hours later another club member, James Foley was severely injured by a pickup truck hauling a trailer that ran over his tent as he slept inside and dragged him for about 50 feet before stopping.

Foley, 67, of Middleburg, who suffered multiple injuries including a crushed pelvis remains in the intensive care unit at Creighton University Medical Center in Omaha, Neb. He was flown there by helicopter ambulance after being run over Sunday night at a campground where the cycling team was staying in Shenandoah, Iowa.

He was in stable condition Wednesday but facing the first of two surgeries to

piece together his shattered left hip, Adam Foley, one of his three children, said on a GoFundMe page created for his father, who faces a slow recovery including possibly up to three months in the hospital.

The page had \$18,620 in donations by 5 p.m. Wednesday - still a ways from the \$100,000 goal to aid the owner of a family-owned and operated landscaping/lawn care business, Foley Boys Lawn Service in Middleburg.

"Thank you all for your words, prayers, and any donation. Please keep spreading the story about our father. He will come out of this," Adam Foley said on the page.

Foley was injured and Ezell killed during the Register's annual Great Bicycle Ride Across Iowa (RAGBRAI), which is the oldest, largest and longest bicycle touring event in the world. "In less than 24 hours, we went from anticipating the fun of RAGBRAI to grieving for two of our Club members and their families," wrote Atkins, who along with another team member left the event to return home after Ezell died.

Ezell, 72, was hit from behind by a pickup truck driven by Robb W. Philippus, 34, of Glenwood, Iowa, about 6:40 a.m. that day on U.S. 34, near Glenwood,

Iowa, about 2 miles from the Missouri River. Both Philippus and Ezell were traveling west when the collision occurred, according to the State Patrol.

The Iowa State Patrol is investigating both cases. A State Patrol accident reconstruction expert is among the troopers investigating the collision that killed Ezell, Sgt. Nathan Ludwig, a State Patrol spokesman said Wednesday.

Ludwig said the investigation into Ezell's death likely will take four to six weeks to complete, which is typical for a traffic fatality.

"I know they are trying to determine what he [Philippus] was doing at the time of the crash, whether he was fatigued, distracted, not paying attention, eating, whatever," said Ludwig, noting a toxicology report on the driver usually also is done when a fatality occurs. The county attorney for Mills County, Iowa, then will decide whether criminal charges will be filed, he said.

Philippus couldn't be reached for comment Wednesday.

Iowa court records online show a man named Robb William Philippus, the same age as the pickup driver who stuck Ezell, pleaded guilty to unrelated charges of speeding over 55 mph by 1 mph to 5 mph over the limit, and operating a vehicle without registration stemming from separate incidents in two different counties in 2014. Both cases were resolved



Ezell

Foley

when the man paid a fine as part of a plea bargain, according to the records.

Meanwhile, the driver accused of running over Foley now has been charged with operating a vehicle while intoxicated, Ludwig said.

Danny T. Cardin, 55, of Homer, La., already was jailed on charges of serious injury by vehicle and leaving the scene of a serious injury accident in the case. He is being held in lieu of \$50,000 cash bail at the Fremont County Jail in Sidney, Iowa, according to jail officers.

The Des Moines Register, citing the State Patrol, reported Cardin had a blood alcohol concentration of 0.161 after Foley was run over, which is twice the limit for it to be illegal to drive in Iowa.

Atkins, who couldn't be reached for comment Wednesday, wrote on Facebook the collision occurred as he, Ezell and three others on their bicycle team were on their way to the traditional pre-ride dip of the rear wheel in the Missouri River for the start of the cross-state event that morning. He said Ezell was some distance behind him while the others were some distance ahead of them.

"I heard a crash and

ran back to find Wayne sprawled in the grass on the side of the road. The driver who hit him stopped immediately and called 911. He then assisted me with CPR as did a nurse who was driving by. We continued CPR till the rescue squad came but it was obvious Wayne had died on impact," Atkins wrote.

Atkins also said he and another club member decided to return home, and bring back Ezell's personal effects.

"Jim Foley, who transported our bikes to Iowa, came by our campsite late Sunday afternoon to arrange to pick up our bikes. Monday morning on my way home, I learned the news about the tragedy that had befallen Jim while he lay asleep in his tent," Atkins also wrote.

In memory of Ezell, Atkins asks club members sign an Iowa Bicycle Coalition petition intended to improve bicycling safety in that state. It is directed at Iowa lawmakers as well as public safety and transportation officials, according to the coalition.

Atkins also said similar action is needed in Florida.

"It will take some time to process all that has happened. But it is even clearer to me now as a Club that we must do everything we can to improve cycling safety in Florida," wrote Atkins, who also asked people to consider donating to the GoFundMe account for Foley, which is at www.go-fundme.com/jamesafoley.

A memorial service for Ezell will be 10:30 a.m. Saturday, Aug. 6, at the University of North Florida Adam W. Herbert University Center, 12000 Alumni Drive, Jacksonville.

Gifts in memory of Ezell may be sent to one of two places.

Donations for bicycle safety education programs can be sent to the Florida Bicycle Association, PO Box 2452, Oldsmar, FL 34677.

Donations can also be sent to the Public Interest Law Center of Florida State University, Attn: Children's Advocacy Clinic, 425 W. Jefferson St., Tallahassee, FL 32301.

Times-Union writer Joe Daraskevich contributed to this report.

Teresa Stepzinski: (904) 359-4075

Attorneys for Rep. Brown ask for delay

By Steve Patterson
steve.patterson@jacksonville.com

Attorneys representing U.S. Rep. Corrine Brown and her chief of staff asked Wednesday for a judge to delay their trials at least a month.

Brown and Ronnie Simmons had been scheduled to be tried Sept. 6 on a 24-count indictment that accused them of mail and wire fraud, conspiracy and other crimes.

Both could face prison sentences exceeding 350 years if they're convicted of all the charges filed this month.

But when they were in court Tuesday, Brown's attorney, Bill Sheppard, said they still weren't sure his firm would handle the trial.

That needs to be decided quickly, U.S. Magistrate James R. Klindt told the Jacksonville Democrat on Tuesday before he scheduled a follow-up hearing for Aug. 9.

"I'm very hopeful that this two-week period will allow you time to finalize your plans for representation," Klindt told Brown, saying it's critical for her defense to get that decision settled.

Both Sheppard and Simmons' attorney, Daniel Smith, told Klindt Tuesday that they expected to ask for a continuance, which the judge said was "almost certain" to be approved. In filings Wednesday, they said Assistant U.S. Attorney A. Tysen Duva told them he didn't object.

Prosecutors handed over about 77,000 documents last week as discovery material, the records and potential evidence both sides legally have to share in advance of a trial. Sheppard asked for Brown's trial to be delayed until October, and Smith asked that it be pushed back "for at least one month."

Brown is accused of lying on her taxes and Simmons of stealing pay issued to a "phantom employee" on Brown's payroll.

But the core of the case against them both is prosecutors' claim that about \$800,000 in donations to a Virginia organization Brown championed, One Door for Education, were used as a slush fund for personal uses.

Steve Patterson: (904) 359-4263

Law & Order

Child, 5, drowns in Westside pool

The Times-Union

A 5-year-old child died after an apparent drowning Wednesday on Jacksonville's Westside in a neighborhood near the Clay County line, police said.

Rescue workers responded to a home in the 7600 block of Ortega Bluff Parkway about 5 p.m., but efforts to revive the child were unsuccessful, Sgt. Chuck Ford said.

He said the homeowner received a call from neighbors alerting him a child was missing, so he checked his backyard surveillance on his phone.

He was working nearby and when he realized there was a child in his pool, he called 911 and rushed home, Ford said.

The man pulled the 5-year-old from the water and rescue workers rushed the child to a hospital, Ford said.

The child lived around the corner from the home with the pool. Investigators are working to determine who was responsible for the child's safety Wednesday afternoon, Ford said.

He said it appears the yard is fully fenced in,

but due to rescue workers coming and going it was difficult to tell if the gate was secured earlier in the afternoon.

The child's parents were interviewed at the hospital Wednesday but the child's identity has not been released.

Joe Daraskevich

Attempted murder charge after shooting

A Jacksonville man has been charged with attempted murder after a shotgun shooting on North Main Street.

Andre Bernard Richardson, 30, was also charged with shooting into a dwelling in the July 21 attack that critically wounded Omar Mustafa, 37, in the upper chest.

Police were told the two men argued and that Richardson retrieved a shotgun from his nearby home after the confrontation. Shots were fired at Mustafa and into an abandoned house at North Main and West 21st streets while the suspect yelled for him to come out, according to a police report.

The suspect then left in a car with another person. Mustafa, who had been

with his girlfriend, made it to a nearby business until police and rescue units arrived.

Richardson and the car were found parked in a driveway after police were given a description of the vehicle.

Dana Treen

BEACHES

Continued from B-1

Under the current Better Jacksonville Plan, the Beaches and Baldwin receive a percentage of revenue based on population each year. The estimated amounts for the 2015-16 fiscal year are \$1.2 million for Jacksonville Beach and about \$786,000 for Atlantic Beach. Neptune Beach will receive around \$438,000 and Baldwin around \$89,000. The annual payments will continue each year until the Better Jacksonville Plan sales tax ends.

Should voters agree to move forward with the proposed half-cent sales tax, it would kick in immediately after the Better Jacksonville plan expires. However, it would be legally bound to cover pension debt, and the flow of money to the Beaches would stop.

During an hourlong

question-and-answer forum, Curry and Gulliford argued that this is the only way to ensure future councils and future mayors stick to a workable solution.

At least this way, the unfunded liability would be entirely covered — and thus would free up operating dollars to fund other projects.

The truth, though, Gulliford said, is that Jacksonville is treading into unknown territory.

He said the plan is the only feasible solution. An increase in the millage rate to the extent needed is not possible, and could potentially result in homeowners rushing to St. Johns County, he added.

"That's why I'm all in this," Gulliford said. "I don't have any other options. I don't know any other options."

Amanda Williamson:
(904) 359-4665

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