



MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 19, 1999 AT 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held July 19, 1999, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor George F. Vaughn, Jr.
Vice Mayor Thomas A. Tankersley
Councilor Edward S. Jones
Councilor Ronald D. Patronik
Councilor Robert D. Shimp
City Attorney Christopher A. White
City Manager Richard A. Linn

Acting City Clerk Lisa Volpe
Deputy City Clerk Karla Strait
Building Official Dan Arlington
Director of Finance John Herbst
Director of Public Works John Galen
Director of Public Safety William Brant

Call to Order/Roll Call

The Mayor called the meeting to order at 7:00 p.m.

Agenda Change:
Media One Project

City Manager Linn announced that the Media One Team was present and asked the permission of Council to change the agenda in order to allow for their presentation regarding their merger with AT&T and development into Broadband. Council agreed to the change.

Christy Kayhill, Project Manager for Media One reported that they would be completely rebuilding the beaches area including Mayport, Atlantic, Neptune and Jacksonville Beaches. The rebuild includes all aerial and underground utilities to be completely replaced.

Greg Mckanany, Construction Manager for Media One stated they would be going through each and every yard in the entire beaches area. He also stated that Media One would be responsible for all problems that may arise. He presented the new equipment that would replace the old.

Patty McDonald with the marketing department of broadband stated that the first thing they will do is notify residents via a construction notice of who is doing the work and who to call with any questions or concerns. Another notice will be sent to Media One customers explaining that the cable line from the street to the exterior of the home will be replaced. Signs will also be placed to inform residents of construction.

The team answered questions and concerns from the Council.

COMMITTEE REPORTS

- Ad Hoc Traffic Safety Committee: Mr. Linn reported that the Ad Hoc Traffic Safety Committee met on July 16, 1999 and are studying the traffic calming recommendations, designing an outreach program on trying to get a bike safety program going and planning a target message for roadway users and a media relations campaign. Their next meeting would be held on July 20, 1999.
- Ish Brant Beautification Committee: Mr. Linn stated he had received a report from the chairman of the Ish Brant Beautification Committee indicating the success of the new Butterfly Garden and the work being done in Jarboe Park with donated trees and shrubbery. The committee is working hard at Steven's Park and awaiting new cross railroad ties to replace the old ones. They are also looking at an Adopt a Road street end program.
- Preliminary Design East of Third Street: City Manager Linn reported that the water and sewer project preliminary design east of Third Street should be done within two weeks.
- Kings Road Bridge: City Manager Linn stated that Connelly and Wicker is working on the Kings Road Bridge and a report should be complete in about two weeks.
- Ish Brant Beautification Committee: Councilor Jones questioned City Attorney Chris White if the Ish Brant Beautification Committee was subject to the Florida Sunshine Law. City Attorney White responded that if the committee is anything other than a fact finding committee and makes recommendations to the council then it is subject to the Florida Sunshine Law according to the attorney generals office. Councilor Jones commented that he believed that the committees may be more effective if they were not subject to the Sunshine Law and asked Council to review the way it was set up and place this on the next workshop agenda for future discussion.

CITY MANAGERS PUNCH LIST

CITY MANAGER PUNCH LIST: The following items were discussed:

- City Manager Punch List
- *Bike Path Penman Road:* City Manager Linn discussed with Calvin Burney moving the bike path project forward per Councilor Tankersley's request. Mr. Burney stated that it would be extremely difficult and doubtful that it could be moved up because another project would have to be bumped off the list. Councilor Tankersley asked that a letter be written to pursue this issue.
 - *Shuttle Trolleys:* City Manager Linn will be meeting with Mike Blaylock to discuss the possibility of shuttle trolleys for the area.
 - *Drainage:* Director of Public Works John Galen stated that work on the drainage problem at Mr. Jordan's house on Forest Avenue will be starting this month.
 - *Tour of Public Safety Building:* Councilor Shimp asked if this item could be taken off the punch list. Mayor Vaughn stated that he had not been on the tour and asked that this item be left on the punch list.
 - *Kings Road Safety and Fishing Pier:* Councilor Shimp stated that he had read in the newspaper about the road falling away and asked about repairs to the Kings Road Fishing Bridge. Director of Public Works John Galen stated that it would have to be repaired instead of replaced because it is the only way in and out. Councilor Shimp asked City Manager Linn if Jacksonville Beach had any comments about the Bridge. Linn responded that they had no desire to provide a second entrance into the area for

their residents. Councilor Tankersley requested that a letter be written to Jacksonville Beach regarding a second entrance. City Manager Linn stated that we should wait until the report is received from Connelly and Wicker to see if it is necessary.

- *BH 1 route change:* Councilor Tankersley voiced concern about a bus route change due to the Mayport flyover.
- *Short Term Rentals:* Councilor Patronik asked about code enforcement regarding short term rentals.

PROPOSED ORDINANCES

Ord. No. 1999-01
Turtle Protection:

ORDINANCE NO. 1999-01, TURTLE PROTECTION, PASSED ON FIRST READ MAY 3, 1999: AN ORDINANCE OF NEPTUNE BEACH, FLORIDA, RELATING TO THE PROTECTION OF MARINE TURTLES; PROVIDING FINDINGS; PROVIDING TITLE, CITATION AND PURPOSE; PROVIDING JURISDICTION; PROVIDING DEFINITION; PROVIDING LIGHTING STANDARDS FOR NEW DEVELOPMENT; PROVIDING LIGHTING STANDARDS FOR EXISTING DEVELOPMENT; PROVIDING STANDARDS FOR PUBLICLY OWNED LIGHTING; PROVIDING PROHIBITED ACTIVITIES DISRUPTIVE TO MARINE TURTLES; PROVIDING STANDARDS FOR CONSTRUCTION DURING THE MARINE TURTLE NESTING SEASON; PROVIDING THAT IT IS UNLAWFUL TO KILL MOLEST OR INJURE MARINE TURTLES; PROVIDING EDUCATION AND INFORMATION OPTIONS; PROVIDING ENFORCEMENT PROVISIONS INCLUDING CIVIL AND ADMINISTRATIVE ENFORCEMENT POWERS AND CRIMINAL PENALTIES REGARDING MARINE TURTLES AND HATCHLINGS IN NEPTUNE BEACH, FLORIDA; PROVIDING APPLICABILITY; PROVIDING INTERPRETATION; PROVIDING SURVIVABILITY AND PROVIDING AN EFFECTIVE DATE.

Councilor Shimp stated that he no longer wished to sponsor this ordinance because of misdemeanors. A lengthy discussion ensued.

Council discussed several court cases.

Mayor Vaughn stated that he supported this ordinance and encouraged council to move forward. He also asked City Attorney White if we would be opening up ourselves law suits from the environmentalists if we do not pass a lighting ordinance.

On the Record: Councilor Shimp, on the record stated that to give a misdemeanor to a citizen because he happens to leave a light on is wrong. And that he would not vote on anything that is going to cause our citizens to receive a misdemeanor for leaving a light on.

Consensus: **FORWARD ORDINANCE NO. 1999-01 TO THE AUGUST 2, 1999 REGULAR COUNCIL MEETING FOR SECOND AND FINAL READ.**

Ordinance No. 1999-07

ORDINANCE NO. 1999-07: AN ORDINANCE CALLING FOR A REFERENDUM TO AMEND SECTION 2.08 AND DELETE SECTION 2.09 OF THE CHARTER TO REQUIRE THE CITY CLERK TO BE APPOINTED BY THE CITY COUNCIL; TO RECEIVE THE ANNUAL SALARY AND PERFORM DUTIES AS ESTABLISHED BY THE CITY COUNCIL; AND ESTABLISHING AN EFFECTIVE DATE.

Acting City Clerk Lisa Volpe stated that some of the original verbiage would be changed.

Councilor Jones recommended Council to vote in favor of the Ordinance.

Mayor Vaughn stated that he did not support this ordinance.

Consensus: **FORWARD ORDINANCE NO. 1999-07 TO THE AUGUST 2, 1999 REGULAR COUNCIL MEETING FOR SECOND AND FINAL READ.**

Ord. No. 1999-08
Travel Policy

ORDINANCE NO. 1999-08: AN ORDINANCE AMENDING SECTION 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 5. UNIFORM TRAVEL POLICY AND PROCEDURES. CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.

Councilor Patronik stated that he was asked by the Director of Finance to sponsor this ordinance to bring our travel per-diem in line with the state.

Consensus: **FORWARD ORDINANCE 1999-08 TO THE AUGUST 2, 1999 REGULAR COUNCIL MEETING FOR FIRST READ.**

Ord. No. 1999-0?
Parking Regulations

ORDINANCE NO. 1999-0?: AN ORDINANCE AMENDING SECTION 22, TRAFFIC AND MOTOR VEHICLES, ARTICLE II, PARKING STOPPING AND STANDING*. CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AND PROVIDING AN EFFECTIVE DATE.

City Manager Linn received a call from a citizen about a situation and asked Council for a sponsor for this ordinance. Councilor Jones stated that he would be the sponsor.

Mayor Vaughn stated that he would like to look this over and recommended Council to table until the August workshop.

Discussion ensued.

Consensus: **FORWARD ORDINANCE 1999-0? TO THE AUGUST 2, 1999 REGULAR COUNCIL MEETING FOR FIRST READ.**

Recess / Reconvene

RECESSED AND RECONVENED: The meeting was recessed at 8:30 and reconvened at 8:45.

CONTRACT/AGREEMENTS - NONE

ISSUE DEVELOPMENT

Fire Equipment Surplus: **FIRE EQUIPMENT SURPLUS:** Council discussed with City Manager Linn and Public Safety Director Chief Brandt surplus of our fire equipment since Jacksonville had agreed to be our fire department without the help of our police officers.

Consensus: **DIRECT CITY MANAGER LINN TO FIND OUT THE COST OF MAINTAINING THE FIRE EQUIPMENT TO BE READY FOR FUTURE USE IN CASE JACKSONVILLE TERMINATES THE AGREEMENT.**

Referendum on election
of Council & Mayor:

REFERENDUM ON ELECTION OF COUNCIL & MAYOR: Before the City Manager form of government the election was held with the candidates running for council receiving the highest votes to take office without running for a particular seat. A citizen requested during a previous meeting to go back to this type of election. Council discussed the pros and cons, and because it could not be done before this year's election council decided to forward this item to a future workshop meeting.

Consensus: **FORWARD TO A FUTURE WORKSHOP MEETING.**

- On the Record: Councilor Shimp on the record stated, he did not want anyone putting anything in his office mailbox unless it goes through the City Clerks office first.
- Matching Neighborhood Program: MAYORS NEIGHBORHOOD MATCHING GRANT PROGRAM: City Manager Linn stated that he had received correspondence requesting the planting of wild flowers in the medians versus sod and asked if it would effect the grant application. Council discussed the Beautification Committee.
- Consensus: **TO GO FORWARD WITH THE GRANT LEAVING THE LANGUAGE MORE GENERAL FOR LESS RESTRICTIONS ON LANDSCAPING.**
- Youth Crisis Center: YOUTH CRISIS CENTER SAFE PLACE PROGRAM: Dana Rhimes with the Youth Crisis Program discussed with council the possibility of making City Hall an official safe place for children.
- City Attorney White cautioned Council against entering into any consensus until he looked further into it because he had concerns about setting up a public building as a safe house.
- Foundation of New Lifeguard Station: STRUCTURAL CONCERNS IN THE FOUNDATION OF THE NEW LIFEGUARD STATION: Mayor Vaughn stated concerns about some cracks in the foundation of the new lifeguard station. Director of Public Works John Galen stated he had looked at the cracks and they are not stress cracks they are shrinkage cracks not in the foundation but in the slab and that they are curable.
- Proposed No Camping Ordinance: PROPOSED ORDINANCE PROHIBITING SLEEPING, LODGING, OR CAMPING IN PUBLIC PLACES: Mayor Vaughn stated that the City of Jacksonville Beach had recently passed a no camping ordinance and was concerned that our city would have a problem due to their ordinance.
- City Attorney White advised that an ordinance could not be passed against a certain class of people, but can be passed against certain activities.
- Consensus: **COUNCIL AGREED THAT THERE IS NOT A PROBLEM AT THIS TIME AND IF IT BECOMES A PROBLEM THEY WILL PURSUE IT.**
- Parking Spaces at Sliders Oyster Bar: GRANDFATHERING IN OF PARKING SPACES AT SLIDERS OYSTER BAR: Council discussed Sliders' Oyster Bar losing three parking spaces one being a handicap space on First Street due to the Town Center project.
- Consensus: **COUNCIL REQUESTED THE CITY ATTORNEY AND THE BUILDING OFFICAL TO DRAW UP PAPERWORK NECESSARY TO ALLOW SLIDERS OYSTER BAR TO HAVE THE THREE PARKING SPACES GRANDFATHERED IN.**
- Fireworks Incident Report: FIREWORKS INCIDENT REPORT: Mayor Vaughn stated that he was concerned about firework safety during the past fourth of July weekend.
- Plaque Honoring Veterans: REQUEST FOR A PLAQUE HONORING VETERANS: Neptune Beach resident Bruce Rehmer requested that a plaque honoring veterans be placed within the city.
- Consensus: **COUNCIL DIRECTED CITY MANAGER LINN TO MEET WITH MR. REHMER AND TAKE NECESSARY STEPS FOR A PLAQUE TO BE PLACED AT CITY HALL.**

Administrative Reporting:

ADMINISTRATIVE REPORTING OF INCIDENTS OF SIGNIFICANCE TO MAYOR AND OTHER ELECTED OFFICIALS: Mayor Vaughn requested that he be informed of any incidents of significance within the city, due to residents having asked him questions regarding certain issues that he was unaware of.

Consensus: COUNCIL DIRECTED CITY MANAGER LINN AND DIRECTOR OF PUBLIC SAFETY BRANT TO INFORM THEM OF ANY INCIDENTS OF SIGNIFICANCE.

Public Comments

PUBLIC COMMENTS ON AGENDA ITEMS ONLY:

Danny Theile, 107 Azalea Place, asked Council for their support with the Turtle Protection Ordinance.

Judy Bost, 115 Walnut Street, spoke regarding several of the agenda items. First she felt that the mayor should be notified of any incidents. She felt that most citizens wanted to keep the fire department but did not understand the cost involved. Ms. Bost also mentioned that a safe place for children is located at the Little Champ Store at Atlantic Boulevard and Second Street. Support on the camping ordinance would be okay. Lastly, she mentioned that the Proposed Parking Ordinance should read mobile homes instead of house trailers and recreational vehicles instead of motor homes.

Adjournment

There being no further business, the meeting adjourned at 11:15 p.m.

George F. Vaughn, Jr., Mayor

ATTEST:

Lisa Volpe, Acting City Clerk

Approved: _____