



MINUTES
WORKSHOP CITY COUNCIL MEETING
DECEMBER 15, 2003, 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 December 15, 2003 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Assistant to the City Manager Terry Klein
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call Mayor Brown called the meeting to order at 7:00 p.m.

PRESENTATIONS

COMCAST - \$5,000 CONTRIBUTION TO THE CABLE TELEVISION EXPENDABLE TRUST FUND: Ann Murphy, representative for Comcast introduced Doug McMillin, Vice President and General Manager and Bill Ferrer, Area Director of Government Affairs for Comcast. Mr. McMillin presented a \$5,000 annual contribution to the city for special events.

COMMITTEE REPORTS / NONE

CITY MANAGERS PUNCH LIST

Water Project

WATER IMPROVEMENT PROJECT: Jim Miller, PBS&J stated the water project was substantially complete with the exception of the cleaning of debris from the storm sewers. Utilix submitted their final invoice in the wrong format with demands.

The remaining balance of the contract was for \$615,106.23 minus the change order for liquidated damages in the amount of \$125,250.80 leaving a balance of \$489,853.53 once the storm sewers were cleaned. Because the storm sewers had not been cleaned they were

charged another \$10,000 leaving a final remaining balance of \$479,853.53. Utilex was asked to turn in an invoice for that amount in the proper format.

There was still the potential of litigation because Utilex was requesting somewhere over one million dollars in claims against the city for work beyond what they thought was in the scope. Utilex was reminded that their bid was for a lump sum amount and they were given many opportunities to withdraw their bid.

- Sewer Project SEWER IMPROVEMENT PROJECT: Director of Public Services Leon Smith stated the contractor was moving along on schedule.
- Kings Rd. Bridge KINGS ROAD BRIDGE: Director of Public Services Leon Smith stated he had met with GAI and was awaiting a response.
- Public Services Facility PUBLIC SERVICES FACILITY: Construction of the Public Services Facility was moving along on schedule. The block work would be completed by next week and trusses for the main administration building had been delivered.
- Hopkins Creek HOPKINS CREEK PROJECT: Mayor Brown stated he had spoken with Aage Schroder, District Secretary FDOT. Mr. Schroder informed him FDOT was still working on a new design that would be more suitable for Neptune Beach.

Councilor Pruette voiced concern regarding a property located on the drainage ditch on Twentieth Street across from the school on the northeast side.

Councilor Weldon voiced concern regarding a drainage problem on Magnolia Street caused by the renovations of the Beaches Chapel. He asked Director of Public Services Leon Smith to inspect the problem and report back to the council.

PUBLIC COMMENTS

Tim Slater, 573 Magnolia Street, stated he had spent a lot of time and money improving his property and was concerned about a flooding problem in the neighborhood. The problem was the drainage ditch retention area running parallel to Florida Boulevard and Magnolia Street between his property and the Beaches Chapel. The problem was so bad it filled the ditch up to the brim and flooded the west end of the Beaches Chapel building and caused flooding inside his home. He asked the Council to help correct the problem.

Director of Public Services Leon Smith stated he would inspect the problem and respond to Mr. Slater within a few days.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS

- Beach Access Surveys BOATWRIGHT LAND SURVEYS – BEACH ACCESS SURVEY: Boatwright Land Surveyors provided an estimate of \$6,000 to survey the beach accesses which included a \$2,000 cost for concrete monuments to be set at the boundaries. Interim City Manager Chief Brandt recommended acceptance of the proposal.

Vice Mayor Gilbert suggested that adjacent property owners be notified in writing of the intent of the surveys.

- For the Record Mayor Brown stated for the record he felt the expenditure was not necessary because the beach accesses were not being threatened.

Consensus: **FORWARD TO THE JANUARY CONSENT AGENDA.**

ISSUE DEVELOPMENT

Greyhound Gathering **GREYHOUND GATHERING EVENT:** June Baldwin, Sandy Paws Event Co-coordinator, stated the "Greyhound Gathering Event" was scheduled for the weekend of March 5th. People from many states would be attending the event thereby boosting economy for the local hotels, restaurants and area shops. She requested leniency for allowing dogs on the beach and requested that extra trash cans be placed throughout Jarboe Park that weekend.

Wayne Baldwin stated the "Blessing of the Animals" was planned for 9:00 a.m. March 6th at the lifeguard station. The "Dancing Greyhounds" would be at Jarboe Park approximately 4:30 p.m. March 6th. He invited everyone to come out and enjoy the events.

Interim City Manager Chief Brandt stated he had no opposition to the event and official action by the City Council was not necessary.

Beaches Chapel **BEACHES CHAPEL HISTORICAL STRUCTURE:** Interim City Manager Chief Brandt stated the Beaches Chapel had offered to donate and pay for the relocation of the old chapel to Jarboe Park.

Vice Mayor Gilbert felt there was not enough room in Jarboe Park for placement of the structure. He felt the building would be better placed in a historical district.

Councilor Weldon stated he would consider the placement of the structure in Jarboe Park. He added it would provide a place for public meetings and community gatherings.

Councilor Pruette opposed placing the structure in Jarboe Park. She added that Section 4.05 of the Code stated the city shall be prohibited from reducing the size of any parks or parklands without prior approval of the voters.

Mayor Brown stated he would like to consider creative ideas from the community. He suggested getting the dimensions of the structure.

Councilor Weldon encouraged everyone to take a look at the structure and think about it.

First Street **FIRST STREET BLINKING LIGHTS:** Councilor Pruette asked the Council to consider removing the blinking lights on First Street. She felt once the repaving and traffic calming was complete they would no longer be needed.

Consensus: **TO ASK THE CITY OF JACKSONVILLE BEACH TO REMOVE THE BLINKING LIGHTS ON FIRST STREET AT THEIR EARLIEST CONVENIENCE.**

Florida Blvd. **FLORIDA BOULEVARD LANDSCAPING:** Vice Mayor Gilbert stated Community Development Director Jason Cleghorn had indicated grant money may be available for the landscaping of Florida Boulevard. A landscape design was necessary in order to apply for the grant. He asked for a consensus to get proposals for a landscape design.

Consensus: **TO EXPLORE THE COST OF A LANDSCAPE DESIGN.**

Interim City Manager Chief Brandt stated request for proposals would need to be advertised.

Director of Community Development Jason Cleghorn stated he found an old landscape plan for Stevens Park and would like permission to apply for a grant.

Dayne Etherton, IBBC Member, suggested incorporating the beautification of Stevens Park and all of Florida Boulevard into one project. The Ish Brant Beautification Committee had submitted several grant applications already for Stevens Park and had asked the state for \$250,000 for improvements on Florida Boulevard.

Community Development Director Jason Cleghorn stated the projects each should be treated separately. Council agreed to allow Mr. Cleghorn to apply for the Stevens Park grant.

Adopt-an-Area

ADOPT AN AREA AGREEMENT: Interim City Manager Chief Brandt stated he and the City Attorney had read and approved the new Adopt-an-Area agreement.

Councilor Weldon voiced concerned regarding the 4' height limit for landscaping. He was concerned that existing landscaping would have to be adjusted or changed.

Joanne Waddill, Ish Brant Beautification Comminttee Member, stated the 4' height limitation provision coincided with the city code regarding the 4' height limit on fences. The 4' height limit was added to the agreement to provide uniformity. She added the Adopt-an-Area Agreements had to be approved by the Committee and exceptions could be made. She asked the Council to support the efforts of the Committee in receiving state funding.

Consensus: **TO APPROVE THE ADOPT AN AREA AGREEMENT.**

Penman Rd.

WIDENING OF PENMAN ROAD: Councilor Weldon stated members of the City of Jacksonville Beach Council contacted him regarding the widening of Penman Road. He felt it was time to consider the possibility and encourage the City of Jacksonville to prepare a study.

Mayor Brown felt the widening of Penman Road would encourage more traffic and completely change the character of the neighborhood.

Vice Mayor Gilbert supported moving forward with the study. He questioned if it was part of the Interlocal Agreement that the City of Jacksonville would be required to pay for the study if asked.

Councilor Pruette suggested that an in-depth study of the situation of growth at the beaches be done. She felt Neptune Beach had not grown but the traffic was coming through Neptune Beach.

Interim City Manager Chief Brandt asked City Attorney White if the Interlocal Agreement called for the City of Jacksonville to be responsible for the operation and maintenance of Penman Road. City Attorney White responded yes; it was the responsibility of the City of Jacksonville.

Solantic

SOLANTIC SIGN COMPLIANCE: Councilor Weldon stated the Solantic Walk-in Urgent Care Center sign was not in compliance. By flashing the unnecessary advertising the sign was in violation of the Code and the agreement with the Code Enforcement Board. He felt it was clear Solantic had no intention of removing the sign and it was time for the Council to seek relief in order to have the sign shut off or removed.

Mayor Brown asked City Attorney White to comment.

City Attorney White stated Florida law allowed the City to seek injunctive relief through the circuit court to see if the City would be entitled to a preliminary injunction to halt the violation of the zoning regulation and further seek a permanent injunction. Mr. White added that once litigation was initiated the court would order mediation.

Vice Mayor Gilbert stated the ultimate goal was to bring the sign into compliance. He felt the

more effort the City put forth to resolve the problem the better. He felt Solantic should be given another opportunity to bring the sign into compliance.

City Attorney White suggested writing a letter to Solantic asking them what actions they intended to take to bring the sign into compliance. Court proceedings could be started depending upon their response. In order to start the proceedings the Council would need to approve a Resolution for the January Regular Council Meeting.

Consensus: **HAVE CITY ATTORNEY SEND SOLANTIC A LETTER ASKING WHAT THEIR INTENTIONS WERE REGARDING THE SIGN AND ACT DEPENDING ON THE RESPONSE.**

Water Resources

NORTH FLORIDA WATER RESOURCES: Mayor Brown stated the Northeast Florida League of Cities was encouraging the northern cities to adopt a resolution in opposition of creating a statewide water authority.

Consensus: **TO MOVE FORWARD WITH THE RESOLUTION.**

104 Davis St.

Councilor Pruette questioned correspondence received from the law firm of Edwards, Cohen regarding a Request for Relief Pursuant to Section 70.51, Florida Statutes; V03-34; Variance Request that was turned down for 104 Davis Street. She asked City Attorney White to comment.

City Attorney White stated he would respond to the letter accordingly. He added that Chapter 70 of the Florida Statutes was the Bert Harris Act that dealt with whether or not an undue burden was being placed on the development of the property. A Special Master could also hear the issue. Under the law the adjacent property owners and anyone who presented significant input in the variance process must be notified.

Adjournment

There being no further business, the meeting adjourned at 8:50 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____