



MINUTES
REGULAR CITY COUNCIL MEETING
MAY 5, 2003, 7:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held May 5, 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	City Clerk Lisa Volpe, CMC
Vice Mayor Jimmy Gilbert	Director of Public Services Leon Smith
Councilor Harriet Pruette	Deputy Finance Director Manuel Roland
Councilor Larry Shealy	Assistant to the City Manager Terry Klein
Councilor John Weldon	Assistant to the Building Official Piper Turner
City Attorney Christopher A. White	Deputy City Clerk Karla Strait, CMC
City Manager Richard A. Linn	

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. He invited everyone to join him in a moment of silence in remembrance of Lieutenant James Peter "JP" Kelly, who passed away on May 3, 2003. The moment of silence was followed by the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**

APRIL 7, 2003, REGULAR CITY COUNCIL MEETING
APRIL 21, 2003, WORKSHIP CITY COUNCIL MEETING
APRIL 21, 2003, SPECIAL CITY COUNCIL MEETING

Moved by Gilbert, seconded by Shealy.

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown
Noes: 0

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette asked the City Manager to consider replacing the street name signs after receiving correspondence from a resident regarding their condition.

Councilor Pruette asked the City Manager to find out if a portion of the bike path would be designated for walking.

Councilor Pruette questioned a private dune walkover to the beach near Cherry Street and asked the City Manager to report on it at the May workshop. City Manager Linn responded the crossover was on private property and is controlled by the Department of Environmental Protection. The crossover was not prohibited as long as the owner had a permit.

Councilor Shealy stated he had spoken with Chief Brandt since the last council meeting regarding the police department and they had a good discussion.

CITY MANAGER REPORTS

- Water Project WATER UTILITY PROJECT: Water was shut off east of Third Street last Thursday night in order to disconnect the old system from the main water line. The task was not accomplished due to hidden connections. The Public Services Department was working with the contractor to locate those connections. The engineer felt the project would be complete in 3 to 4 weeks.
- Councilor Pruette stated the contractor should be penalized for the delay of the project. City Manager Linn replied the city would receive all entitled liquidated damages.
- Councilor Weldon questioned what the delay would cost the city and if there was enough withholding. City Manager Linn replied the withholding was 10% equal to \$107,000 and the engineer estimated there to be \$48,000 to \$50,000 in penalties.
- Sewer Project SEWER UTILITY PROJECT: City Manager Linn reported he was pleased with the progress of the sewer project. Although, due to the many palm trees, the contractor might not be able to pipe burst Bay Street. In which case the cost of an additional line in the street was an estimated \$20,000.
- Kings Road Bridge KINGS ROAD BRIDGE REPAIRS: The Kings Road bridge would be closed Thursday and Friday for the emergency stringer repair work. In case of an emergency equipment would be in place to open the rear access in Jacksonville Beach. The options for the permanent repair of the bridge would be considered at the May workshop meeting.
- Sunday in the Park SUNDAY IN THE PARK: City Manager Linn reported "Sunday in the Park" was a success and thanked Elaine Kenny for organizing the event. He also thanked the council members for their participation. He added the event resulted in a net revenue of \$253.17 for the city.
- Easter Egg Hunt EASTER EGG HUNT: City Manager Linn reported the annual "Easter Egg Hunt" had an excellent turnout. He thanked the Police Department for organizing the event.
- Solantic Sign SOLANTIC SIGN: The Code Enforcement Officer sent a letter of violation to Solantic and the property owner citing two code violations: 1) putting up a sign without a permit, and 2) putting up a prohibited sign. The letter gave them 10 days to remove the sign. Solantic planned to request the sign be allowed to remain with only the time and temperature displayed.

Town Center
Invitational

TOWN CENTER INVITATIONAL – VOLLEYBALL TOURNAMENT: Jay Young of IBS, Event Director for the Town Center Invitational thanked the Council for granting approval of the event. He felt the event was well received by the community and everyone enjoyed the tournament. According to the Public Safety Department there were no complaints, incidents or accidents. He stated the Public Safety Department and Public Services Department were very helpful.

PUBLIC COMMENTS

Public Comments

Bob Shimp, 1109 First Street, was concerned about residents using the proposed "Three Strikes" ordinance to harass their neighbors. He stated parking east of Third Street was difficult for police to enforce because property lines could not be determined. He preferred speed ramps to speed bumps.

Lynda Padrta, 1113 First Street, asked for better enforcement of the parking ordinance. She questioned when the repairs would be made to streets and landscaping from the water & sewer project.

Mary Ann Padrta, 1030 Second Street, favored the proposed "Three Strike" ordinance.

CONSENT AGENDA

Interlocal Agreement
Fire

APPROVAL OF INTERLOCAL AGREEMENT – CITY OF JACKSONVILLE – FIRE FIGHTER PENSION FUND:

Moved by Pruette, seconded by Weldon.

Motion: **TO APPROVE THE CONSENT AGENDA.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

VARIANCES / NONE

ORDINANCES

Ord. No. 2003-02

ORDINANCE NO. 2003-02, SECOND READ AND PUBLIC HEARING – SPONSOR COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA RELATING TO DEFINING FAMILIES; PROHIBITING OCCUPANCY OF FAMILY DWELLING UNITS BY UNRELATED PERSONS ABOVE A SPECIFIED NUMBER; PROVIDING PENALTIES AND VIOLATIONS; AMENDING SECTION 27-15 TO INCLUDE A DEFINITION OF A FAMILY; ADDING SECTION 27-333 RELATING TO PROHIBITED ACTIVITIES AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown opened the public hearing.

B. J. Lester, 907 Second Street, favored the ordinance. She suggested landlords establish rental guidelines for their tenants.

Patrick Cline, 1210 Oceanfront, was concerned about a small house that had 5 dwelling units within it and only 3 parking spaces. The ordinance would increase the amount of unrelated persons in that dwelling to 20. He proposed an ordinance that would limit the number of persons under one roof to the

number of parking spaces provided.

Chris Chin, 227-A Margaret Street, stated the parking and density east of Third Street was a problem that needed to be addressed.

Teresa Thomas, 224 Margaret Street, favored the ordinance. She felt illegal subdividing of property created a great deal of the problem.

David Baker, 1102 First Street, suggested the City Attorney create a guideline lease agreement that would make landlords responsible.

Lynda Padrta, 1113 First Street, supported the ordinance. She asked the council to consider incentives to reduce the number of units on a property.

There being no further comments from the public the public hearing was closed.

Moved by Pruette, seconded by Gilbert.

Motion: **TO ADOPT ORDINANCE NO. 2003-02 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Ord. No. 2003-05

ORDINANCE NO. 2003-05, FIRST READ – SPONSOR COUNCLOR SHEALY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING ARTICLE III PROPERTY INSURANCE TAX SECTION 21-71, AND DELETING SECTION 21-73, ESTABLISHING PERCENTAGE BY STATE STATUTES AND PROVIDING AN EFFECTIVE DATE.

The ordinance changes the amount of property insurance tax collected by the state from 2% to 1.92% and allowed the tax to be deposited in the City of Jacksonville's Firefighter Pension Fund.

Moved by Pruette, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2003-05 ON FIRST READ.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

Recess/Reconvene

Mayor Brown called a recess at 7:57 p.m. and reconvened at 8:10 p.m.

OLD BUSINESS / NONE

NEW BUSINESS

401 Margaret St.

DECLARING A 25' X 52.90' PARCEL ADJACENT TO 401 MARGARET STREET CITY SURPLUS AND ACCEPTANCE OF A PURCHASE OFFER OF \$5,290.00 BY DONALD A. PADGETT, P.A.: City Manager Linn stated said property was once used by the city for a well that had since been abandoned. The parcel was too small to build

on and the city had no future use for the property. There being no requirement to bid the property the City Manager recommended the surplus of the property and acceptance of the purchase offer. He also recommended that any environmental concerns be the responsibility of the purchaser.

Moved by Weldon, seconded by Gilbert.

Motion: **TO SURPLUS THE 25' X 52.90 PARCEL ADJACENT TO 401 MARGARET STREET AND ACCEPT THE PURCHASE OFFER OF \$5,290.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

City Manager
Contract

EMPLOYMENT CONTRACT OF CITY MANAGER – CITY ATTORNEY WHITE: City Manager Linn asked to be excused from the meeting during discussion of his employment contract and exited the Council Chambers.

City Attorney White explained as reflected in Mr. Linn's memo he would be willing to accept a one-year contract conditioned on; 1) an automatic one-year renewal clause with ninety-day prior notice of renewal by either party, 2) the severance clause be increased to six months, and 3) the base salary be reviewed. He was also willing to continue employment within the terms of the current contract calling for 90-day extensions, annual salary reviews, and a three-month severance package.

Councilor Shealy proposed continuing under the current contract with 90-day period extensions, a six-month severance, and a salary review.

Councilor Weldon stated he was satisfied with the current contract and 90 day extensions.

City Attorney White explained the severance pay would only be effective if the contract was terminated before the end of the 90-day extension period. He stated if the contract were terminated on the 90th day there would be no three-month severance pay. He stated the memo was unclear on the severance pay and stated the City Manager needed to confirm what was acceptable.

Discussion ensued regarding under what conditions the severance pay would come into effect and if Mr. Linn understood those conditions.

City Manager Linn was asked to return to the Council Chambers to clarify his memo. Mr. Linn confirmed a one-year renewal contract with 90-day notice and six-months severance would be satisfactory or he would be willing to continue within the terms of the current contract offering 90-day extensions with 90-days notice prior to termination, and three months severance pay. His current contract was now in effect until October 7, 2003.

Mr. Linn explained the purpose of the contract was due to the nature of the position of having to do the job free of political influence.

Mayor Brown stated he was not comfortable with the current contract offering 90-day extensions. He did not want to encourage a change in City Managers while the city was undergoing major projects.

City Attorney White stated a salary review needed to be done on or before July 7, 2003.

He explained if no action was taken by the Council the contract would continue under the current conditions with 90-day extension periods and 3-months severance.

The Council took no action.

Development Order
220 First St. & 214
Orange St.

DEVELOPMENT ORDER – 220 FIRST STREET & 214 ORANGE STREET: Mr. Tom Goelz owner of the property stated he had previously asked the council to consider a development order however he reconsidered due to parking requirements. The plans for remodeling included the second floor of the old bike shop to be used for commercial offices and the first floor to be a market-grocery. The plan also called for an addition in the rear of the old cabinet shop to be used as a studio for classes. Parking would be created by removing a portion of the existing building on the east side of the old cabinet shop creating 4 new parking spaces.

A discussion ensued regarding parking requirements.

Moved by Shealy, seconded by Gilbert.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR 220 FIRST STREET AND 214 ORANGE STREET AS RECOMMENDED BY THE PLANNING & DEVELOPMENT REVIEW BOARD.**

Councilor Pruette felt the parking situation was inadequate for the Central Business District.

Roll Call Vote:

Ayes: 4 – Gilbert, Shealy, Weldon, Brown

Noes: 1 – Pruette

MOTION CARRIED

Development Order
115 Penman Rd.

DEVELOPMENT ORDER – 115 PENMAN ROAD: Kim Larson, Kurstar Construction, stated the request was to demolish the existing Flower Market and construct a new 3300 square foot office building for the use of Watson Property Management. The building would face Penman Road with access to the parking area via Lemon Street. The Planning & Development Review Board recommended approval with the following conditions: 1) The sign to be a ground mounted monument type, and 2) no illumination of the building sign on the south side.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE THE DEVELOPMENT ORDER FOR 115 PENMAN ROAD AS RECOMMENDED BY THE PLANNING & DEVELOPMENT REVIEW BOARD.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

MOTION CARRIED

DISCUSSION

Councilor Pruette informed the Council she had placed the nuisance, pet and parking ordinances on the May workshop agenda.

Councilor Gilbert was concerned about the timing of the red light at Penman Road & Florida Boulevard. City Manager Linn stated the loops in the pavement were cut due to

the construction and that deactivated the on demand cycling, the light was now on a timer. When the construction was completed the City of Jacksonville would replace the loops.

Drainage Improvement

DRAINAGE IMPROVEMENT – OCEAN OAKS & NEPTUNE LANE: Councilor Weldon was concerned about the drainage project that Florida Department of Transportation was to begin in three weeks. He stated it would be a massive impact on the city. The project involved the removal of mammoth live oak trees leaving an empty field between Fletcher High School and the residential area.

City Manager Linn stated the drainage project was a \$13 million plus job that the State started work on six years ago and was scheduled to begin the work in three weeks. He added it would be difficult to stop or delay the project at the point.

Discussion ensued regarding what the city could do to stop or delay the project.

Consensus: **TO HAVE THE MAYOR DRAFT A RESOLUTION OF OPPOSITION TO THE STATE.**

City Manager Linn stated letters of objections could be sent to the Department of Transportation but the project was planned to begin in 3 weeks. He asked the City Attorney if injunctive relief was available.

City Attorney White advised by law a municipal body was not required to post a bond for injunctive relief. It would be very expensive and could bankrupt the city. He could start the process and then bail out if necessary.

For the Record Mayor Brown wanted to go the record officially that the Council would take action at a regular meeting to look for ways to delay and oppose the project until there was more public input and other alternatives.

Moved by Weldon, seconded by Gilbert.

Motion: **TO TAKE ACTION TO LOOK FOR WAYS TO DELAY AND OPPOSED THE PROJECT UNTIL THERE WAS MORE PUBLIC INPUT AND OTHER ALTERNATIVES.**

Roll Call Vote:

Ayes: 5 – Gilbert, Pruette, Shealy, Weldon, Brown

Noes: 0

Adjournment

There being no further business, the meeting adjourned at 9:32 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____