



**MINUTES**  
**WORKSHOP CITY COUNCIL MEETING**  
**MAY 19, 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 May 19, 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  
City Attorney Christopher White  
City Manager Richard A. Linn

City Clerk Lisa Volpe, CMC  
Director of Public Services Leon Smith  
Director of Finance Steve Ramsey  
Assistant to the City Manager Terry Klein  
Assistant to the Building Official Piper Turner  
Deputy City Clerk Karla Strait, CMC

Call to Order/Roll Call

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

**PRESENTATIONS**

Beaches Historical  
Museum

PRESENTATION OF BEACHES HISTORICAL SOCIETY MUSEUM PROJECT: Beaches Historical Society President Sam Vanlear and Past President Bill Hilleglass gave a presentation on the proposed new Beaches Historical Museum. The Historical Society had plans to construct a new museum on Fourth Street between Beach Boulevard and Pablo Road in Jacksonville Beach. The plans were for a 10,000 square foot two story building. The total cost of the project would be 3 million. The funding goal was to collect money through private and public donations and grants. The City of Jacksonville Beach verbally approved a donation of \$250,000, \$50,000 for 5 years. The City of Atlantic Beach verbally approved a donation of \$125,000, 25,000 for 5 years. They were requesting a donation of \$75,000, \$15,000 per year for the next 5 years from Neptune Beach.

Mayor Brown asked the City Manager to meet with the Finance Director to see if the money was available and make a recommendation to Council.

Hopkins Creek  
Outfall

PRESENTATION OF HOPKINS CREEK OUTFALL PROJECT – FDOT – PUBLIC COMMENTS: Mayor Brown stated the Florida Department of Transportation Project involved removing large oak trees and destroying the buffer between Fletcher High School and residential homes. He asked the FDOT if they could take care of the maintenance without destroying the oak trees.

City Manager Linn introduced Mike Goldman, FDOT Public Information Officer; Gene Howerton, BH&R Engineers; Larry Parks, FDOT Design & Planning; Jim Knight, FDOT Design & Planning; Nick Tsengas, FDOT, Jacksonville Construction; & Rob Hansgen, FDOT, Jacksonville Construction.

Gene Howerton, BH&R Engineers, explained the ditch was originally constructed in the 1940's to drain the water from Beach Boulevard down to the Intra Coastal Waterway. The 50 foot right of way in Neptune Beach was owned by the FDOT. The limits of the project were from Penman Road to Ocean Oaks Apartments property line and Fletcher High School. The project was placed in the FDOT work program in 1997 due to the erosion problems associated with the ditch. A study was performed and it was determined that a closed conveyance system would eliminate the erosion problems and provide better flow. The culvert solution would also provide safety, erosion, property and liability protection. After the public meeting in 1999 the owners of the apartment complex filed suit against the FDOT to prevent damages from erosion to their property. Because the project was to begin in June 2003, the lawsuit was withdrawn.

Councilor Weldon asked the FDOT to explore the alternative of reinforcing the walls instead of culvert. It would have a less evasive impact on the buffer between the residential and commercial. He added the problem was due to the lack of maintenance not the design of the drainage channel.

Gene Howerton replied installing retaining walls would not stabilize the bank and solve the erosion problem. The culvert was the best solution for long-term stability and maintenance. The area would be landscaped and trees would be planted over the culvert.

A lengthy discussion ensued regarding the negative impact on the community and any possible alternatives.

FDOT responded they looked at other solutions and chose the best solution for solving the erosion problem. They would take the concerns of the Council and the residents back to the department for consideration. However, a design build consultant was selected and a contract was prepared to be executed for the project to begin the first two weeks of June.

City Attorney White questioned when the funding for the project was approved, why it took so long to implement, when the design build contract was awarded and if other public hearings were held in between.

FDOT responded funding for the project was approved in 1997. The project was to begin around the end of 2002 but was postponed until the end of the school year. The design build contract was awarded April 2003. The last public hearing was held on March 2, 1999 at Fletcher High School.

City Attorney White asked if the water came from rainfall or a northeastern. FDOT replied the water occurred due to runoff from rainfall not storm surge.

City Attorney White asked if a six-month moratorium could be placed on the project. FDOT replied they wanted to get started the first of June to prevent Penman Road from being closed while school was in session.

City Attorney White asked if it could be extended for a year. FDOT responded they were concerned about safety and liability and ready to begin the project.

Councilor Gilbert asked to see how much money FDOT spent on the maintenance of the ditch over the past five years and how much 3.5 million in proper maintenance would go into the future.

Councilor Gilbert questioned if Penman Road needed to be widened in the future would the culvert have an impact. FDOT responded the existing culvert could be extended.

Discussion continued regarding other alternatives.

City Manager Linn stated it was his suggestion to FDOT in the beginning to wait until the end of the school to begin the project so Penman Road would not closed while school was in session. He added that FDOT picked the most expensive solution from the options given by the engineering firm. The FDOT asked him if the city wanted to take over the maintenance after the project was complete and he told them the city was not interested in maintaining the ditch.

Mayor Brown in conclusion asked the FDOT to consider the comments from the new Council and public and explore other options.

FDOT concluded they would listen to the public comments and take them back to the department to discuss alternatives. They concluded that at this point they were still looking at moving forward the project.

#### **PUBLIC COMMENTS ON THE HOPKINS CREEK PROJECT**

Scott Gay, 1100 Seagate Avenue, Comptroller for the KAE Apartments / Ocean Oaks, stated back in 1998 or 1999 a resident was concerned about the ditch encroaching on the her rear stairwell. At that same time a lender visited the site and was concerned about erosion and the liability issue. They asked the State at that time to bulk head part of the ditch. Sometime in 2000 or 2001 they received a condemnation notice on an area of land to be used as a temporary construction easement. The land ran from Penman Road east to the property line behind the school and along the property line on Penman Road. They did not initiate a 3.5 million dollar lawsuit against the state over the ditch. They did not want all the vegetation to be destroyed. The construction, noise and foot traffic would also disturb their residents.

Dorothy Anderson, 1100 Seagate Avenue #287, felt the area was a wildlife sanctuary and should not be destroyed. She had a list of 100 residents that opposed the destruction.

Raymond Shaw, 1100 Seagate Avenue #283, opposed the project.

Steven Fleming, 1100 Seagate Avenue, opposed the project. He stated the culvert would not be pretty and would be a big maintenance problem. He felt there were other alternatives that would protect the wildlife.

Scott Mullaney, 8221 Forest Circle, opposed the project and asked to extend it for a year. He felt once the project was complete it would lower property values.

Thomas DiVita, 612 Oleander Street, opposed the project.

Denis Corriveau, 815 Forest Circle, stated if FDOT had maintained the ditch there would not be an erosion problem.

Eddie Rynell, 1100 Seagate, stated FDOT had not maintained the ditch. He did not think it was a safety problem. He wanted FDOT to find a solution that would preserve the wildlife.

Merrill Palmer, 911 Neptune Circle, stated there was not an erosion problem behind his property. On one occasion he saw correctional inmates doing maintenance on the ditch. He asked the State many times to come and clean the ditch.

Recess/Reconvene The meeting recessed at 8:15 p.m. and reconvened at 8:30 p.m.

### **COMMITTEE REPORTS**

IBBC **ISH BRANT BEAUTIFICATION COMMITTEE:** City Manager Linn reported the Ish Brant Beautification Committee pending approval of the Jacksonville City Council would receive funding for the Third Street medians. They planned to use any remaining funds for the culvert on Florida Boulevard. They continued to work on the Butterfly Garden in Jarboe Park and selecting a "Yard of the Month."

### **CITY MANAGERS PUNCH LIST**

Kings Rd. Bridge **KINGS ROAD BRIDGE REPAIR:** The emergency repair of the stringers on Kings Road bridge was completed last week. Council would consider the options for the repair or replacement of the bridge later in the agenda.

Underground Containers **UNDERGROUND TRASH CONTAINERS:** City Manager Linn stated he was still awaiting the delivery of the smaller containers. Upon their arrival they would be placed at the beach accesses.

Public Services Facility **PUBLIC SERVICES FACILITY:** Several contractors submitted pre-qualifications for the construction of the new public services facility. A pre-bid conference was scheduled for June 10, 2003, at 2:00 p.m. and a bid opening was scheduled for June 26, 2003.

Manholes Jarboe Park **MANHOLES AT JARBOE PARK:** Public Services employees removed the manholes in Jarboe Park as requested.

Utility Rate Study **UTILITY RATE STUDY:** City Manager Linn stated the consultant completed the Utility Rate Study and was ready for a workshop meeting to discuss options on utility rates. He suggested scheduling a workshop meeting before the regular meeting on June 2<sup>nd</sup> to discuss the options.

Consensus: **TO SCHEDULE A WORKSHOP MEETING AT 6:00 P.M. ON JUNE 2<sup>ND</sup> TO DISCUSS OPTIONS ON THE UTILITY RATES.**

Land Development Regulations **REVIEW OF THE LAND DEVELOPMENT REGULATIONS:** Councilor Weldon questioned what happened to the Land Development Regulations Review. City Clerk Volpe stated she would be receiving the revised copies of Group I and II from Ivy, Harris, and Walls and a meeting could be scheduled was June 9, 2003.

Consensus: **TO SCHEDULE A LAND DEVELOPMENT REGULATIONS REVIEW WORKSHOP MEETING ON JUNE 9, 2003.**

Wild Bear Councilor Pruette asked the City Manager to report on the wild bear that was spotted in Jarboe Park on Saturday. City Manager Linn replied the bear was caught in Mayport tranquilized, and transported to a national forest.

- For the Record Mayor Brown stated for the record Florida Wildlife Commission was not available to provide assistance until Sunday afternoon.
- Evacuation Return Passes Councilor Pruette was concerned the evacuation passes that were mailed to residents were dated 2002. City Manager Linn replied the passes were supplied by the City of Jacksonville. They were printed in 2002 and were still valid.

### **PUBLIC COMMENTS**

- Jacklyn Payne, 2125 & 2127 Florida Boulevard, asked Council to consider an ordinance that would decrease the rate of interest on the sewer connection.
- Ray Corbin, 209 Bay Street, was concerned about evacuation passes being returned to the city when residents moved from the beach. He felt the "Three Strike" ordinance should include all resident not just tenants.
- B. J. Costner, 224 Margaret Street, favored the "Three Strikes" ordinance. She agreed the ordinance should effect all residents not only tenants.
- Geynell Mohr, 225 Margaret Street, supported the "Three Strikes" ordinance.
- Lynda Padrta, 1113 First Street, stated the speed bumps on Florida Boulevard and stop signs on First Street had worked to decrease the volume of traffic. She favored the "Three Strikes" ordinance. She wanted the parking ordinance to be enforced on First Street.
- Mike Disch, 118 Magnolia Street, stated unruly tenants were an issue east of Third Street and he supported the "Three Strikes" ordinance.
- Gerard Petroni, 1879 Beach Avenue, was concerned about lifeguards sitting together listening to music and not paying attention while on duty.
- Teresa Thomas, 224 Margaret Street, favored the "Three Strikes" ordinance.
- Patrick Clyne, 1210 Oceanfront, opposed speed bumps on Lora Street.
- Rae Brady, 1636 Sea Oaks Drive, opposed speed bumps on Lora Street. She felt landlords needed to be informed of the first violation of undesirable tenants.
- Wayne Laberge, 1703 Lora Street, favored speed bumps on Lora Street. He was concerned about parked vehicles on the street obstructing emergency vehicles.
- Rosalind Starling, 229 Lora Street, supported the speed bumps on Lora Street and the "Three Strikes" Ordinance.
- Verna Griffin, 229 Lora Street, supported speed bumps on Lora Street but would prefer speed humps.
- Lora Watts, 254 Lora Street, favored speed bumps on Lora Street.
- Michael Dunlap, 212 Lora Street, favored the "Three Strikes" ordinance. He opposed any speed bumps.
- Cody Nix, 220 Lora Street, supported speed bumps on Lora Street.

Chris Chin, 227 Margaret Street, supported speed bumps on Lora Street and the "Three Strikes" Ordinance.

George Felts, 100 Rose Place, opposed speed bumps on Lora Street.

### **PROPOSED ORDINANCES**

Ord. No. 2003-XX

ORDINANCE NO. 2003-XX, THREE STRIKES YOU'RE OUT – COUNCILOR GILBERT: Councilor Gilbert proposed a "Three Strikes You're Out" Ordinance to help control unruly tenants. The proposed ordinance was to work within 365-day periods. If police were called to a house the first violation would result in citing the tenant, the second call would result in a citation and arrest of the tenant, and the third call would result in a citation and arrest of the tenant and taking code enforcement action against the landlord.

After hearing the public comments Councilor Gilbert agreed the Ordinance should affect all residents not only tenants and owners should be notified from the first violation.

Mayor Brown questioned the magnitude of the problem. City Manager Linn responded Chief Brandt was working on a written report of all noise violation calls since the beginning of the year. Council would be made aware of the calls once the written report was received.

City Attorney White advised Council they needed to decide what kind of strikes they wanted; 3 citations, 3 convictions on the premises, or 3 sworn complaints under the noise ordinance.

Discussion ensued regarding how the ordinance would be enforced.

City Attorney White informed Council could not mandate when or how people were arrested. Arrests were in the power of the police.

Councilor Weldon suggested eliminating having the violator arrested because the issue was with the landlord not the tenant. He also suggested decreasing the 365-day period. He would support the ordinance with a number of complaints in violation of the noise ordinance on the same premise during a specific time period resulting in a Code Enforcement action against the owner of the property.

City Attorney White stated the owner would need to be notified each time a sworn complaint was filed against their property. The Code Enforcement Board would allow the property owner to correct the problem within a period of time or face a \$250.00 a day fine for the first offense and a \$500.00 a day fine for the second offense.

City Attorney White asked if Council wanted to make it a criminal offense or a Code Enforcement issue against the against the property owner.

Council discussed the options and the time it takes to legally evict a tenant.

Mayor Brown felt the ordinance would be effective if the property owner was notified of each offense. City Attorney White added the notice would inform the property owner of the first offense and the future consequences.

Questions arose about who would be responsible of keeping track of the complaints and notices. City Manager Linn stated it would be a large burden on the police department to keep track and notify owners of each call. It would be a lesser burden if the owner was only notified when a citation was issued on the property.

Mayor Brown asked what would happen if the property was managed by a property management company. Mr. White responded the ordinance would put pressure on the property management company employed by the owner. The focus would still be on the property owner.

Mayor Brown suggested the landlord could make the ordinance a condition on the lease agreement. Mr. White stated the landlord could put anything in the lease if it was not in contravention of the Florida Landlord Residential Tenant Act.

Attorney White requested a consensus of the Council for him to draft an ordinance.

Consensus: **TO MOVE FORWARD AND HAVE THE CITY ATTORNEY DRAFT THE ORDINANCE.**

Attorney White stated he would draft the ordinance based on three sworn complaints on three separate incidents and leave the time period blank subject to discussion. The draft would include landlord notification provisions starting with the first violation.

### **CONTRACTS / AGREEMENTS**

Kings Rd. Bridge

**KINGS ROAD BRIDGE REPAIR – SELECTION OF ALTERNATIVES:** The three options for the Kings Road bridge were 1) to repair the abutments to existing bridge, 2) repair the bridge for future widening, or 3) permanently replace the bridge adding an additional lane. City Manager Linn stated the continuing maintenance and repairs to the bridge indicated the need for a more substantial bridge. The maximum weight limit of the current bridge was less than the weight of loaded garbage trucks, fire trucks, and many construction trucks. He recommended Council authorize him to negotiate a contract with Pitman-Hartenstein to design the permanent bridge replacement or advertise for request for qualifications. He also recommended pursuing sharing the cost with Jacksonville Beach.

The total cost estimate for the proposed repair of the abutments was \$163,246.37. The cost estimate to repair the bridge for future widening was \$204,301.47. The cost estimate for replacement of the bridge with an additional lane was \$438,805.77. City Manager Linn stated funds could be paid from either the Better Jacksonville Fund, Local Option Gas Tax Fund or General Fund Reserves.

Council discussed the various options and expenses.

Consensus: **TO ADVERTISE FOR REQUEST OF QUALIFICATIONS FOR DESIGN BUILD AND MOVE FORWARD WITH TOTAL REPLACEMENT OF THE BRIDGE.**

### **ISSUE DEVELOPMENT**

Economic  
Development

**ECONOMIC DEVELOPMENT – COUNCILOR PRUETTE:** Councilor Pruette was concerned about vacant commercial properties. She suggested forming a committee of business people to explore ways to bring businesses to the empty shopping centers and discuss problems associated with vacant stores.

Councilor Weldon suggested adding a staff position of Community Development Director whose position would be responsible for development issues and focus on economic development. City Manager Linn stated request for proposals were out for a City Planner Consultant Firm and he would compare those costs to the cost of a full time position.

Lora St. Speed Bumps

**REQUEST FOR SPEED BUMPS ON LORA STREET – PUBLIC HEARING:** A resident of

Lora Street requested speed bumps. In compliance with the Speed Bump Policy a survey was mailed to all residents. Out of 27 surveys returned 17 favored the installation of speed bumps and 10 opposed them. Signs were posted on Lora Street advising residents of possible placement of speed bumps and notification of the public hearing. The public spoke out earlier during the first public comment session.

Discussion ensued regarding the difference between the cost and installation of speed bumps verses speed humps.

Consensus: **TO INSTALL SPEED HUMPS ON LORA STREET.**

Adjournment

There being no further business, the meeting adjourned at 11:10 p.m.

\_\_\_\_\_  
Richard A. Brown, Mayor

Attest:

\_\_\_\_\_  
Lisa Volpe, CMC, City Clerk

Approved: \_\_\_\_\_