



MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 16, 2003, AT 6:35 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 June 16, 2003 at 6:35 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Mayor Richard A. Brown	Public Safety Director William Brandt
Vice Mayor James Gilbert	Supervisor of Waste Water Mark Greenwood
Councilor Harriet Pruette	Director of Finance Steve Ramsey
Councilor Larry Shealy	Assistant to the City Manager Terry Klein
Councilor John Weldon	
City Manager Richard A. Linn	ABSENT:
Deputy City Clerk Karla Strait, CMC	City Clerk Lisa Volpe, CMC

Call to Order/Roll Call

Mayor Brown called the meeting to order at 6:35 p.m.

PRESENTATIONS

Cell Towers

PRESENTATION BY GANNETT FLEMING CONCERNING SITING OF CELL TOWERS AND ANTENNAS – FREDRIC L. PERKLE: Fredric Perkle of Gannett Fleming, Inc. Engineers and Planners, gave a presentation in reference to providing the city with consulting services for the negotiation, installation, & leasing of cell towers and antennas at no charge to the city. He asked Council to have the City Attorney review the agreement and ordinance for their services.

Councilor Weldon stated he would like to interview other consulting companies before making a decision. City Manager Linn felt the service would be beneficial to the city. He stated he would contact the Florida League of Cities for their expertise and guidance.

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

Agenda Amendment

City Manager Linn asked Mayor Brown to amend the agenda to add the issue of street/block parties under issue development.

Consensus: **AMEND THE AGENDA TO ADD STREET/BLOCK PARTIES UNDER ISSUE DEVELOPMENT.**

COMMITTEE REPORTS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE: The committee was active and had a wedding planned for the butterfly garden. The funding for the Florida Boulevard culvert

was not available from the state and the committee was seeking other sources.

CITY MANAGERS PUNCH LIST

Utility Impr.

UTILITY IMPROVEMENT PROGRAM – WATER PROJECT: The water line from the crossing at Penman Road to the water tank failed the pressure test. It was retested and passed. The contractor was waiting for clearance from the Department of Transportation before the connections could be made. The contractor was well over the completion date and liquidated damages would be negotiated.

UTILITY IMPROVEMENT PROGRAM – SEWER PROJECT: The sewer project was ahead of schedule. The contractor was waiting on the permit from the Department of Transportation to begin the work on the Third Street sewer line.

Councilor Pruette asked how the two contractors would determine which one was responsible for what damages. City Manager Linn responded each contractor videotaped the work locations prior to starting. The water contractor would be responsible for cleaning up the streets.

Underground Containers

UNDERGROUND CONTAINERS: City Manager Linn invited the Council to look at the two underground trash containers that were installed in Jarboe Park. The remaining containers would be placed at the beach accesses.

Councilor Pruette recommended removing the underground containers from the City Managers Punch List.

Consensus: **TO REMOVE THE UNDERGROUND CONTAINERS FROM THE CITY MANAGERS PUNCH LIST.**

Public Services Facility

PUBLIC SERVICES FACILITY: Several contractors attended a pre-bid Conference at City Hall on June 11, 2003. The bids would be received and opened on June 26, 2003 at 2:00 p.m. The Finance Director was preparing the Bond Resolution.

Hopkins Creek

DRAINAGE IMPROVEMENT HOPKINS CREEK: City Manager Linn sent the letter to the Florida Department of Transportation requesting 90 days to consider the offer transferring ownership of the ditch and the 3.5 million dollar allocation for the culvert project. He had not received a response to the letter. He walked the area with an engineer from PBS&J. The engineer would provide a report with a recommendation. He would be walking the area with a representative of the City of Jacksonville on Friday at 9:00 a.m. He invited anyone interested to join him.

Mayor Brown stated he attended the Metropolitan Planning Organization meeting last week and Florida Department of Transportation District Secretary informed him they received the letter requesting the extension. He stated the 90-day extension could cause FDOT to have some liquidated damages and asked if a decision could be reached sooner. Mayor Brown informed him we were working with consultants to determine the options and would try to reach a decision as soon as possible.

Councilor Weldon did not feel a recommendation from PBS&J would provide enough information to make a decision of that magnitude. He felt a consultant was needed to project a real cost for the repairs and maintenance throughout its life cycle.

Councilor Pruette asked City Manager Linn if he had spoken with the City Manager of Atlantic Beach, Jim Hanson, regarding property FDOT turned over to Atlantic Beach. City Manager Linn replied he was not aware of any FDOT drainage ditches in Atlantic Beach but he would speak with Mr. Hanson.

City Manager Linn stated more facts were needed before an agreement with FDOT was entered. However it would take well over 90-days to solicit firms for proposals to conduct the study and the actual study could take six to nine months.

Councilor Gilbert suggested waiting on the engineers recommendation. He added there was still the option of filing an injunction. He asked to place the issue on next Monday's agenda for further discussion.

Consensus: **TO HOLD A SPECIAL WORKSHOP MEETING ON JUNE 23, 2003 FOR FUTHER DISCUSSION.**

PUBLIC COMMENTS

Jim Schultz, 608 Valley Forge Road North, opposed the requirement of sworn complaints on the proposed three strikes ordinance.

Marsha Coker, 206 Walnut Street, favored the three strikes ordinance without the sworn complaints requirements.

Lynda Padrta, 1113 First Street, favored the three strikes ordinance. She felt rental property was a business and should require a license.

Teresa Thomas, 224 Margaret Street, favored the three strikes ordinance but opposed the sworn complaints requirement.

B. J. Costner, 224 Margaret Street, favored the three strikes ordinance but felt sworn complaints should not be required.

Gynell Mohr, 225 Margaret Street, was concerned about parked cars blocking the street.

Chris Chin, 227 Margaret Street, favored the three strikes ordinance but opposed the sworn complaints requirement.

Marci Weinberg, 221 Margaret Street, supported the three strikes ordinance.

Cannon Rasmusun, 221 Margaret Street, enjoyed living in the neighborhood with the exception of some unruly neighbors.

Recess/Reconvene Mayor Brown called a recess at 8:00 p.m. and reconvened the meeting at 8:10 p.m.

PROPOSED ORDINANCES

Ord. No. 2003-XX **ORDINANCE NO. 2003-XX, THREE STRIKES – COUNCILOR GILBERT: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 13-5(c); ADDING A NEW SECTION 13-5(d) – PROPERTY OWNER RESPONSIBILITY FOR SWORN COMPLAINTS; ADDING A NEW SECTION 13-5(e) – NUISANCE; DECLARING VIOLATIONS; PROVIDING ENFORCEMENT AND PROVIDING AN EFFECTIVE DATE.**

City Manager Linn explained Section 13-5 (c) of the Code was originally adopted to control noise from commercial properties. The section requires that in order to be considered a noise violation a sworn complaint was necessary if a noise-measuring device was not used.

Chief Brandt suggested inserting "police witnessing the behavior on three separate occasions"

Mayor Brown asked Chief Brandt if the ordinance limiting the number of unrelated people living together in a single-family unit was helping. Chief Brandt replied that sometimes it was difficult to determine who lived in the house.

Discussion ensued regarding requiring sworn complaints.

Chief Brandt stated he had a group of five people set up to work on resolving the problem and the ordinance would be helpful to them.

Discussion ensued regarding parking.

Chief Brandt stated the cars were legally parked if a "No Parking" sign was not posted. He added if "No Parking" signs were installed it would also limit parking for the residents.

Councilor Pruette suggested adding "allowing 24 hours to file a sworn complaint" and the Chief's suggestion of "Police witnessing the behavior on three separate occasions" to the ordinance.

Councilor Weldon proposed requiring two types of strikes: 1) a documented police report of a disturbance, or 2) a sworn citizen complaint. If a property received more than three strikes within a six-month period the property owner should be cited and brought before the Code Enforcement Board.

Councilor Weldon suggested striking the following in Section 13-5 paragraph (c):

(c) Any person making a complaint under this Section shall be required to sign a sworn complaint ~~prior to an arrest being made; otherwise, no such complaint will be honored.~~ Notice of any such complaint shall be provided to the owner of the property on which the sworn complaint is made, his agent or property manager.

Section 13-5 paragraph (c) would then read as follows:

Any person making a complaint under this Section shall be required to sign a sworn complaint. Notice of any such complaint shall be provided to the owner of the property on which the sworn complaint is made, his agent or property manager.

Councilor Weldon also suggested Section (d) read as follows:

(d) Responsibility of Owner of Property. The owner of the residence or property from which the offending noise is emitted, shall be responsible for compliance with this Chapter, and may be punished for violations of this Chapter. In the event that there are three (3) or more sworn complaints or documented police reports of disturbance made pursuant to paragraph (c) above, by three (3) different persons for three (3) separate incidents within six (6) months on the same residence or property, the owner of that property on which the sworn complaints are made shall be guilty of a violation of this Section and subject to Code Enforcement Board proceedings pursuant to Section 2-440 of this Code.

Chief Brandt suggested that a documented police report be defined as: 1) someone at the house receives a Notice to Appear or, 2) a disturbance resulting in an arrest.

Consensus: **HAVE THE CITY ATTORNEY MAKE SUGGESTED CHANGES AND**

FORWARD TO THE JULY REGULAR MEETING FOR FIRST READ.**CONTRACTS / AGREEMENTS**

Water Rate Study

PROPOSAL FROM BURTON & ASSOCIATES – WATER RATE STUDY: During the discussion of water rate increases at the June 2, 2003 special meeting, Burton & Associates were asked to conduct an inclining block water rate study. The proposal from Burton & Associates to conduct the study was for \$8,915.00. City Manager Linn did not feel the proposal was needed. He felt city staff was capable of conducting the review and making a recommendation to the Council. Mr. Linn added that currently there was no charge for sewer after 15,000 gallons of water was consumed.

Councilor Weldon asked the staff to prepare the study within a reasonable amount of time. He added he would like to view the study before voting on the rate increases.

Consensus: **HAVE THE STAFF PREPARE THE RATE STUDY BEFORE THE VOTE ON THE WATER RATE INCREASE.**

ISSUE DEVELOPMENTEconomic
Development

ECONOMIC DEVELOPMENT COMMITTEE: Councilor Pruette felt an Economic Development Committee would be helpful in moving businesses into the vacant strip malls.

Mayor Brown stated he contacted the Beaches Chamber of Commerce. The Chamber agreed to arrange for some of their economic development specialists to meet with the committee.

Vice Mayor Gilbert questioned who would recommend the committee members and suggested Council make recommendations by memo to City Manager Linn.

Consensus: **TO FORM AN ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDING MEMBERS BY MEMO TO THE CITY MANAGER.**

Street/Block
Parties

STREET/BLOCK PARTIES: Councilor Pruette stated she received calls over the weekend regarding a block party on Strand Street. She felt in fairness the city should have guidelines regarding block parties. She recommended residents apply for a permit showing the date, time, hours, and how many people would be present.

City Manager Linn stated he had received four requests for block parties in the past three years. He and the Chief considered each request on a case-by-case basis. He suggested a policy that would prohibit all block parties with the exception of an appeal to the City Council.

Consensus: **CITY MANAGER TO HANDLE REQUESTS FOR BLOCK PARTIES WITH DISCRETION.**

Building Dept.

BUILDING DEPARTMENT: Councilor Weldon stated the city was not providing adequate building service since the termination of Dan Arlington, former Building Official. He asked Council to give direction to the City Manager on how to provide building services. He suggested separating building & planning and hiring both a Community Development Director and a Building Inspector/Official. He asked the Council to make a decision before the City Manager hired a Building Inspector.

Vice Mayor Gilbert agreed that one person should not have that much control over the city and planning was just as important as inspections.

City Manager Linn advised he had signed an extension with Jacksonville Beach to continue the building inspections for 30 days until July 14, 2003 adding the Northeast Florida Regional Planning Council could provide the planning services. The Building Department budget would fall short \$20,000 to \$30,000 if both a Building Official and a Planning Director were hired. He stated he could hire a building inspector/plan reviewer and have Northeast Florida Regional Planning Council provide planning services for the remainder of the current fiscal year.

Councilor Weldon asked for a consensus of the Council to hire a Building Inspector and a Planning Director. He felt if only one person could be hired a Planning Director should be hired and the building inspections subcontracted.

Consensus: **GIVE THE CITY MANAGER AUTHORIZATION TO HIRE A COMMUNITY DEVELOPMENT DIRECTOR AND A BUILDING INSPECTOR/OFFICIAL.**

City Manager Linn stated he would work up a job description for a city planner and bring the proposal to the Council requesting a budget amendment for the current fiscal year.

July 4th

JULY FORTH POLICE PATROL: Councilor Pruette asked about the parking restrictions on First Street for July 4th. Officer Dean responded extra officers would be on duty on bicycles and motorcycles. The chief and the city manager would determine the parking restrictions. In years past parking was allowed on the west side of First Street until 11:00 p.m.

Councilor Weldon advised he would be on vacation and would not be present at the July 7, 2003 meeting.

Adjournment

There being no further business, the meeting adjourned at 9:40 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____