



MINUTES
REGULAR CITY COUNCIL MEETING
JUNE 2, 2003, 7:30 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 June 2, 2003, at 7:30 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 Rolland
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 7:30 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

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

MAY 5, 2003, REGULAR COUNCIL MEETING
MAY 19, 2003, WORKSHOP COUNCIL MEETING

Moved by Pruette, seconded by Gilbert.

Roll Call Vote:

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

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Mayor Brown stated the City of Jacksonville approved \$250,000 for each beach city to be used for beautification of the Third Street/A1A medians. The Jacksonville City Council amended the approval to have the landscaping plans for each project submitted to them for approval. It was also suggested that the money be distributed

according to the miles of A1A within each city.

Councilor Pruette asked if the \$250,000 included correcting the drainage problem at the end of Atlantic Boulevard. City Manager Linn responded the City of Jacksonville's Public Works Department was taking the drainage problem on as a separate project.

Councilor Pruette stated residents wanted additional palm trees placed on First Street along with the replacement of the palm trees that were removed by the sewer contractor.

Councilor Shealy was concerned about a possible reduction in the lifeguard budget. City Manager Linn replied lifeguards were paid time and a half for overtime in the past. Deputy Finance Director Manny Rolland advised that according to the Fair Standard Labor Act temporary recreational employees were not entitled to overtime pay and would no longer receive overtime pay. This reduced the city's portion of the cost over and above the City of Jacksonville's contribution through the interlocal agreement. The lifeguard duty hours on the beach would not be decreased.

Councilor Gilbert asked to place the possibility of forming an Economic Development Committee on the June workshop agenda.

City Clerk Volpe reminded Council there was a meeting on Land Development scheduled for Monday, June 9, 2003.

Councilor Gilbert felt it would be beneficial for the Chairman of each Board to attend the upcoming Florida League of Cities Annual Conference. City Manager Linn replied he would investigate the cost to the city for them to attend.

CITY MANAGER REPORTS

Water Project

WATER UTILITY PROJECT: The lines were in the process of being tested and disinfected. The final connection would be made when the bacteriological clearances were received. Following the final connections the paving and finishing would be completed. The 12" main on Florida Boulevard was complete and the liquidated damages on the main contract had ceased.

Councilor Pruette asked if she could see the punch list for paving and replacing sod before the contractor was finished. City Manager Linn stated he was keeping a log of complaints and each one would be inspected. Jim Miller, PBS&J, stated some of the complaints were with the sewer contractor and those complaints would not be fixed until the sewer project was completed.

Sewer Project

SEWER UTILITY PROJECT: The project was ahead of schedule and the contractor projected an August 1, 2003 completion date. The replacement of the lift station would begin the week of June 1, 2003.

PUBLIC COMMENTS

Public Comments

Lynda Padrta, 1113 First Street, stated she was glad the City of Jacksonville would be correcting the drainage problem at the end of Atlantic Boulevard. She was concerned about the stormwater system being cleaned out. She added parking laws on First Street were not being enforced.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2003-06

ORDINANCE NO. 2003-06, INCREASING WATER & SEWER RATES – FIRST READ: SET RATE FOR SECOND READ & PUBLIC HEARING FOR JULY 7, 2003: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA AT SECTION 23-84(B), (C) AND (D) TO INCREASE WATER RATES AND AMENDING SECTION 23-85(A) (B) AND (C) TO INCREASE SEWER RATES; AND ESTABLISHING AN EFFECTIVE DATE.

Moved by Weldon, seconded by Shealy.

Motion: **TO APPROVE ORDINANCE 2003-06 TO INCREASE WATER AND SEWER RATES UTILIZING SCENARIO NUMBER ONE THAT WAS PRESENTED WITH THE CAVEAT THAT WE WILL ALSO DO A RATE DESIGN STUDY TO TRY TO ACHIEVE ADDITIONAL SAVINGS.**

Friendly Amendment **TO PLACE ORDINANCE 2003-06 ON THE JUNE WORKSHOP MEETING FOR PUBLIC COMMENTS AND SCHEDULE THE SECOND READING AND PUBLIC HEARING FOR AUGUST IN LIEU OF JULY.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

OLD BUSINESS

Hopkins Creek

HOPKINS CREEK OUTFALL PROJECT: City Manager Linn stated a letter was received from Aage Schroeder, District Secretary for the Florida Department of Transportation. The letter stated FDOT would like to proceed with the culvert project. FDOT offered to transfer ownership of the ditch and the 3.5 million allocation for the project to Neptune Beach. Mr. Linn recommended drafting a letter to the FDOT requesting 90 days in order to consider the option, maintenance and costs.

City Attorney White stated the FDOT was asked at the previous meeting if they had a set date to begin the project and they answered “no”. The reason the issue was on the agenda was not the letter from FDOT but to ask Council to decide if they wanted to file an injunctive relief action. He informed, municipalities were exempt from posting bond but advised posting a reasonable bond would limit extensive damages in the event the injunction was not successful. He further advised not to file the injunction if the court set the bond too high.

Councilor Weldon proposed writing a letter to FDOT requesting the 90-day consideration period and authorize the City Attorney to file injunctive relief action at the first sign of hesitancy to provide those 90 days.

Mayor Brown stated FDOT informed him they would be able to work on the project without disrupting Penman Road. There was longer the urgency to start now that school was out of session.

Councilor Pruette stated she had heard that the FDOT was paying the City of Atlantic Beach to maintain their ditches. She asked City Manager Linn to check into it.

Councilor Gilbert suggested waiting for FDOT to respond to the 90-day period before filing legal action.

Consensus: **HAVE THE CITY MANAGER WRITE A LETTER TO FDOT REQUESTING A 90-DAY INVESTIGATION PERIOD.**

NEW BUSINESS

Surplus Vehicles

SURPLUS CITY OWNED VEHICLES: City Manager Linn stated 7 vehicles used by the Public Services Department had been replaced. He asked the Council to declare them surplus and authorize the sale of the vehicles over the internet to the highest bidder.

Moved by Gilbert, seconded by Pruette.

Motion: **TO DECLARE THE VEHICLES SURPLUS AND AUTHORIZE THE CITY MANAGER TO SELL TO THE HIGHEST BIDDER.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Resolution 2003-05

RESOLUTION 2003-05 SET DATE FOR PUBLIC HEARING AND ADOPTION OF INTERLOCAL AGREEMENT BETWEEN DUVAL COUNTY SCHOOL BOARD, CITY OF JACKSONVILLE, BEACHES CITIES, AND THE TOWN OF BALDWIN. RECOMMEND A SPECIAL MEETING AT 6:30 P.M. A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF JACKSONVILLE BEACH, THE CITY OF ATLANTIC BEACH, THE TOWN OF BALDWIN, THE CONSOLIDATED CITY OF JACKSONVILLE, THE CITY NEPTUNE BEACH (THE "CITIES") AND THE DUVAL COUNTY SCHOOL BOARD (THE "SCHOOL BOARD") TO COORDINATE THE LOCATION AND DEVELOPMENT OF PUBLIC SCHOOL FACILITIES THROUGHOUT DUVAL COUNTY; PROVIDING AN EFFECTIVE DATE.

City Manager Linn explained the state passed a law to allow school boards to be represented on the local planning commissions. To be in compliance with the state the resolution would need to be enacted by July 1, 2003. Mr. Linn recommended a Special Meeting on June 16, 2003 at 6:30 p.m. to vote on the resolution and hold a public hearing.

Consensus: **TO SCHEDULE A SPECIAL MEETING ON JUNE 16, 2003, AT 6:30 P.M. BEFORE THE WORKSHOP MEETING.**

Resolution 2003-06

RESOLUTION 2003-06. BOARD APPOINTMENTS: RESOLUTION APPOINTING BOARD MEMBERS TO THE CODE ENFORCEMENT BOARD, THE PLANNING AND DEVELOPMENT REVIEW BOARD AND THE BOARD OF APPEALS.

Moved by Gilbert, seconded by Weldon.

Motion: **TO APPROVE RESOLUTION 2003-06.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Mayor Brown stated on the record the volunteer services were much appreciated by the Council.

Resolution 2003-07

Councilor Weldon asked the Council to support a resolution in opposition of the land use change on Mayport Road for the use of a Wal-Mart Superstore. He felt it would reverse the long range planning, negatively impact the traffic and depress property values in the area. It would also cause commercial damage to the existing shopping centers on Atlantic Boulevard.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE RESOLUTION 2003-07.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

City Attorney White stated he would be out of town the week of the workshop meeting and if anyone had any questions regarding the "Three Strike" Ordinance to call him before the meeting.

Adjournment

There being no further business, the meeting adjourned at 8:25 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____