



MINUTES
WORKSHOP CITY COUNCIL MEETING
JULY 21, 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 July 21, 2003 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Public Safety Director William Brandt
Director of Public Works Leon Smith
Director of Finance Steve Ramsey
Building Official Anton Perez-Guerra
Assistant to the City Manager Terry Klein
Deputy City Clerk Karla Strait, CMC

ABSENT:

Mayor Richard A. Brown

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

COMMITTEE REPORTS

Building Official BUILDING OFFICIAL POSITION: City Manager Linn introduced new Building Official Anton Perez-Guerra to the Council.

IBBC ISH BRANT BEAUTIFICATION COMMITTEE: City Manager Linn reported the Ish Brant Beautification Committee had taken a summer recess. He added that one of the members had put a lot of effort in improvements to the Butterfly Garden in Jarboe Park.

CITY MANAGERS PUNCH LIST

Water Impr. UTILITY IMPROVEMENT PROGRAM – WATER PROJECT: The contractor would make the final connection at Penman Road tomorrow night. Once the connection was complete the liquidated damages clock would stop and the contractor would begin work on the punch list items.

Sewer Impr. UTILITY IMPROVEMENT PROGRAM – SEWER PROJECT: The sewer project was moving ahead of schedule. The contractor still had not received the permit from the Florida Department of Transportation to make the connections on Third Street.

Kings Rd. Bridge KINGS ROAD BRIDGE: The Kings Road Bridge was an item further ahead on the agenda under Issue Development for discussion of options and the City Managers recommendation to replace the bridge.

Public Services Facility	<u>NEW PUBLIC SERVICES OPERATION AND MAINTENANCE FACILITY:</u> The Public Services Facility was placed on the agenda under Contracts/Agreements with a recommendation to award the contract to the low bidder.
Hopkins Creek	<u>HOPKINS CREEK OUTFALL PROJECT – DRAINAGE IMPROVEMENT:</u> Hopkins Creek was also on the agenda under Issue Development. Jim Miller, PBS&J would give a report on the feasibility study.
Planning Director	<u>NEW POSITION OF PLANNING DIRECTOR:</u> The position of Planning Director was advertised and many resumes were received. Mr. Linn would review the resumes this week and ask the applicants to fill out an application.

PUBLIC COMMENTS

Lynda Padrta, 1113 First Street, supported the Three Strike Ordinance. She favored the forming of an Economic Development Committee. She also felt there was no justification for the City Manager to receive salary increase because he was on a 90-day contract.

Mary Ann Padrta, 1030 Second Street, supported the Three Strike Ordinance. She was concerned about rental properties not having enough parking for their tenants.

James Sorrell, 464 Seagate Avenue, opposed the Three Strike Ordinance. He felt tenants should be held responsible for their actions. He felt the best way to control noise was to fine the violators.

PROPOSED ORDINANCES

Ord. No. 2003-07	<u>ORDINANCE NO. 2003-07, THREE STRIKES – VICE MAYOR GILBERT:</u> 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.
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Vice Mayor Gilbert stated as a condition of passing the Ordinance on first read it had been brought back to a workshop for discussion before the second reading.

Vice Mayor Gilbert stated Florida Statutes already required tenants and other persons on the premises to conduct themselves in a manner that did not unreasonably disturb the tenant's neighbors or constitute a breach of peace. He felt property owners who continued to rent property to unruly tenants and chose not to evict them after complaints should be held responsible.

Councilor Pruette stated the city could not force a landlord to evict tenant. She suggested imposing a progressive fine on the tenants and notifying the landlord that their tenants have received a citation and after the third notice bringing the landlord and the tenant before the Code Enforcement Board.

City Manager Linn stated the effort of the ordinance was to place the responsibility on the property owners to control unsavory noise by their tenants. The current noise ordinance was very technical and was drawn up for commercial areas. He wanted the ordinance to be an aid that would allow police officers to cite persons in residential districts.

Councilor Weldon asked Chief Brandt if a citation could be given under the current noise

ordinance. Chief Brandt responded a \$25.00 citation is issued on the second violation and if there are minors drinking on the premises an arrest is made.

City Attorney White stated if the charge was under a municipal ordinance violation the judge was obligated to look at the local ordinance and the penalties. He advised against the ordinance having a prerequisite for a warning on the first violation. He added the purpose of the Three Strike Ordinance was to hold the landlords responsible. Dealing with the tenants was a separate issue. He suggested that he draft another ordinance dealing with the separate issue of the tenants.

Councilor Weldon wanted to make sure the language "Notice to Appear" and "Documented Police Report" was consistent in the ordinance. Chief Brandt stated a "Notice to Appear" was considered a documented police report.

Councilor Pruette asked to leave in the language that landlords be sent a copy of the documentation. She disagreed with having three separate complaints by three separate persons.

Vice Mayor Gilbert stated the three separate complaints by three separate neighbors was fair.

Councilor Weldon suggested adding the language and/or between three sworn complaints and three documented police reports.

Consensus: **ADD AND/OR BETWEEN THREE SWORN COMPLAINTS AND THREE DOCUMENTED POLICE REPORTS.**

City Attorney White asked if it was a consensus to have both the revised version of the Three Strike Ordinance and the proposed ordinance dealing with the tenant for the August Regular Council meeting. Vice Mayor Gilbert and Councilor Weldon stated the two issues should be handled separately and the Council should deal with the Three Strike Ordinance first.

Councilor Pruette suggested adding the description of "within a reasonable amount of time". Councilor Weldon suggested the "reasonable amount of time" be 30 days.

Consensus: **DESCRIBE REASONABLE AMOUNT OF TIME AS 30 DAYS.**

City Attorney White read the following language in paragraph (d) for confirmation: In the event that there are three or more sworn complaints by three different persons for three separate incidents within six months or three documented police reports of disturbances all pursuant to paragraph (c) above or any combination of the above on the same residential property.

Chief Brandt stated any time the police showed up it was documented. He suggested changing "Documented Police Report" to "Citation". City Attorney White stated he would come back with that language.

Consensus: **FORWARD TO AUGUST REGULAR COUNCIL MEETING.**

Ord. No. 2003-XX

ORDINANCE NO. 2003-XX, PROHIBITED USES, SPONSORS – MAYOR BROWN, VICE MAYOR GILBERT, COUNCILOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 27-225(2) AND ADDING SECTION 27-223(3) USES EXPRESSLY PROHIBITED WITHIN ZONING DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Councilor Pruette stated several months ago the request to allow a Sonic Drive-In Restaurant was turned down by the Council. Since that time citizens had commented that they would like to have a Sonic Drive-in. She supported changing the permitted uses to allow drive-in restaurants in the C-3 district.

Councilor Weldon stated the Planning & Development Review Board and the Council previously denied the request to allow the Sonic-Drive-In the C-3 district because it was prohibited by the Code. He felt it did not benefit the city to change the Code for the benefit of one applicant. He added drive-in restaurants were specifically exempted to protect the residential quality of life in Neptune Beach.

Councilor Shealy stated he was on the Planning & Development Review Board when the Sonic Drive-In was originally presented and the Board denied the request. The applicant appealed to the Council and was denied again.

Councilor Pruette felt the Council should be open-minded and look at possible changes to the Code to help the property owners fill the vacancies in the strip malls.

Councilor Gilbert stated the outparcel was pre-existing and the drive-in restaurant would not be in a residential district. He did not think the impact of the drive-in restaurant would be more of a problem than a Tire Kingdom.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS

Public Services
Facility

PUBLIC SERVICES OPERATION & MAINTENANCE FACILITY – RECOMMENDATION TO AWARD: City Manager Linn stated six bids were received for the construction of the new Public Services Facility and were opened June 26th. One of the contractors was disqualified because they did not pre-qualify. Bob Matthews submitted the low bid of \$2,210,000. The bond resolution was for 2,200,000. He recommended awarding the contract to Bob Matthews for 2,210,000 with the provision that the City Manager and architect work with Value Engineering to get the cost down to 2,200,000.

Councilor Pruette suggested eliminating the second gate that was discussed during the meetings with public works, council and the citizens.

Consensus: **FORWARD TO THE AUGUST REGULAR MEETING CONSENT AGENDA.**

Wireless Siting

WIRELESS SITING – CONSULTANT SERVICES – REPORT CITY MANAGER: City Manager Linn stated he received five proposals for the wireless siting consulting services but he was not prepared to give a recommendation. He asked the Council to table the issue.

Consensus: **TABLE THE WIRELESS SITING CONSULTING SERVICES TO THE AUGUST WORKSHOP.**

Recess/Reconvene

Vice Mayor Gilbert called a recess at 8:00 p.m. and reconvened the meeting at 8:15 p.m.

ISSUE DEVELOPMENT

Kings Rd. Bridge

KINGS ROAD BRIDGE – RECOMMENDATION TO REPLACE:

Laurel Jeter, 1715 Indian Woods Drive, suggested the new bridge be raised high enough to allow small boats access to the intracoastal or close the bridge and open and

access through Seagate or open up the cul-de-sac in Jacksonville Beach.

Rudolf Lowey-Ball, 1834 Nightfall Drive, did not agree with raising the bridge to allow boat traffic or opening another access.

City Manager Linn was concerned that replacing the Kings Road bridge would not be a priority for state funding. He recommended moving ahead with the replacement of the bridge using funds from the Better Jacksonville Plan. He added that he would check on the addition cost to raise the bridge.

Councilor Weldon stated the area was a preserve and he was not in favor of raising the bridge to encourage motorized watercraft.

Consensus: **TO MOVE TO THE CONSENT AGENDA FOR REPLACEMENT OF THE KINGS ROAD BRIDGE AND ASK JACKSONVILLE BEACH TO CONTRIBUTE.**

Hopkins Creek

FDOT HOPKINS CREEK PROJECT – REPORT AND DECISION OF PROPOSAL: Jim Miller, PBS&J, stated the FDOT selected the aluminum arch culvert option because it was the least expensive. The study conducted by PBS&J looked at open ditch alternatives of gabion retaining walls or geoweb retaining walls. The disadvantages of retaining walls were the greater cost, liability, engineering cost, operating & maintenance cost, and acquiring an easement for a roadway for maintenance access. Mr. Miller added no matter what the remedy trees would still need to be removed. It was his company's opinion from an engineering standpoint it was not a good deal to accept the proposal.

Councilor Weldon stated he would have to say no to the proposal from FDOT because there was not enough money to protect future liability or maintenance. He suggested the City Manager write a letter to FDOT asking for a more generous proposal. He also asked the City Manager to write a letter asking FDOT to clean up the ditch.

Consensus: **FOR THE CITY MANAGER TO WRITE A LETTER TO FDOT ASKING FOR A MORE GENEROUS PROPOSAL AND ASKING THEM TO CLEAN UP THE DITCH.**

Economic Dev. Committee

ECONOMIC DEVELOPMENT COMMITTEE COMPOSITION AND MISSION: Councilor Gilbert stated he agreed with Mayor Brown's suggestion of city officials and staff meeting with property owners for an update on the vacant commercial properties before forming an Economic Development Committee. City Manager Linn stated city officials and staff could meet with the owners of the establishment to see how the city could aid them in filling the vacant properties.

Councilor Pruette asked the City Manager to write a letter to the property owners asking them to meet with city officials and staff.

Consensus: **FOR THE CITY MANAGER TO WRITE A LETTER TO THE PROPERTY OWNERS AND REPORT BACK ON THEIR RESPONSE AT THE NEXT WORKSHOP MEETING.**

BAHS

REQUEST OF FINANCIAL SUPPORT FROM BEACHES AREA HISTORICAL SOCIETY – MAYOR BROWN: City Manager Linn stated the Beaches Area Historical Society made a presentation to the Council requesting a contribution of \$15,000 per year for five years to build a museum in Jacksonville Beach. The City of Jacksonville Beach made a commitment to contribute \$50,000 a year for five years with the condition that no city money be used before all the money for the project was collected and banked. Atlantic Beach was still considering the request for a contribution of \$25,000 per year for five

years.

Councilor Weldon felt the city was not in a position to commit to \$15,000 per year for five years. He recommended a contribution of \$5,000 per year for five years with the same condition that the money not be used until all the money to complete the project was collected and banked.

Councilor Shealy asked where the \$5,000 per year would come from. City Manager Linn stated the funds could come out of the Better Jacksonville Plan.

Consensus: **TO CONTRIBUTE \$5,000 PER YEAR FOR FIVE WITH THE SAME CONDITIONS AS JACKSONVILLE BEACH.**

Workshop Agenda

WORKSHOP AGENDA – COUNCILOR SHEALY: Councilor Shealy stated in order to be more efficient in the workshop meetings the council needed to determine what issues should go before Council for approval and what issues the City Manager should handle. He suggested having one spokesperson for issues that filled the Council Chambers or lowering speakers time limit to three minutes instead of five. He felt the Council should stay focused on agenda items only and not engage in conversation with the public speakers.

Councilor Pruette stated another way to shorten the meetings was to end the discussion of an issue after fifteen minutes if it was on a regular meeting to be voted on. She disagreed with limited the public speakers to less than five minutes.

Councilor Gilbert stated he liked listening to the public. He suggested each Council Member gather as much information as possible before each meeting.

City Manager Salary

SALARY REVIEW OF CITY MANAGER: City Manager Linn stated one of his contract provisions was an annual salary review. He did not believe it was in the best interest of the city for him to continue on a 90-day contract. He asked Council to consider a longer-term contract along with the salary review. His desire was for a two-year contract but he would consider a one-year contract with an automatic one-year renewal.

Councilor Pruette stated she did not have any information. City Manager Linn stated Director of Finance Steve Ramsey was prepared to give the Council the information. Vice Mayor Gilbert and Councilor Pruette wanted to see the information in writing.

Councilor Weldon stated the Council needed to address the contract issue before reviewing the salary. He asked to place the issue of the contract on the next agenda.

Discussion ensued regarding terms of the City Manager's contract.

Councilor Weldon asked for a copy of the proposed new contract and all previous data related to the City Manager's salary and historical raises. He would like to see a comparison of the City Manager's salary for neighboring cities.

Consensus: **MOVE TO THE NEXT WORKSHOP AGENDA.**

City Hall Security

Councilor Weldon stated he did not have a problem closing and locking the interior doors and the rear entry doors. He was concerned that bulletproof glass at the front counters would create a wall between the city and the public. He asked that the bulletproof glass be considered at Council level prior to being installed. City Manager Linn stated the cost of the bullet proof glass would be over \$10,000 and would need the Council's approval.

Councilor Pruette suggested placing camera's in the lobby of City Hall. She also

questioned the security of the City Yard.

Solantic Sign

Councilor Weldon stated the Solantic sign was approved by Jacksonville Beach inspection code and would remain without any discussion of the intensity or the fact that it should never have been approved. He was unhappy that the sign was now permanent.

Adjournment

There being no further business, the meeting adjourned at 9:28 p.m.

Richard A. Brown, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____