



MINUTES
REGULAR CITY COUNCIL MEETING
JULY 7, 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 July 7, 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	Director of Public Services Leon Smith
Vice Mayor Jimmy Gilbert	Master Sergeant Anthony Carrillo
Councilor Harriet Pruette	Director of Finance Steve Ramsey
Councilor Larry Shealy	Assistant to the City Manager Terry Klein
City Attorney Christopher A. White	Assistant to the Building Official Piper Turner
City Manager Richard A. Linn	Deputy City Clerk Karla Strait, CMC
City Clerk Lisa Volpe, CMC	

ABSENT: Councilor John Weldon

Order Call/Pledge

Mayor Brown called the meeting to order at 7:00 p.m. and led the pledge of allegiance.

AWARDS / PRESENTATIONS / RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Motion: **TO APPROVE THE FOLLOWING MINUTES:**
JUNE 2, 2003, SPECIAL WORKSHOP COUNCIL MEETING
JUNE 2, 2003, REGULAR COUNCIL MEETING
JUNE 9, 2003, SPECIAL COUNCIL MEETING
JUNE 9, 2003, LAND DEVELOPMENT COUNCIL MEETING
JUNE 16, SPECIAL COUNCIL MEETING
JUNE 16, 2003, WORKSHOP COUNCIL MEETING
JUNE 23, 2003, BUDGET WORKSHOP MEETING
JUNE 23, 2003, LAND DEVELOPMENT COUNCIL MEETING
JUNE 23, 2003, SPECIAL WORKSHOP MEETING

Moved by Shealy, seconded by Gilbert.

Roll Call Vote:

Ayes:	4 – Gilbert, Pruette, Shealy, Brown
Noes:	0
Absent:	1 – Weldon

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette stated she received an anonymous letter from a citizen. She asked that citizen, if they were in the audience, to see the City Manager after the meeting for assistance.

Councilor Pruette asked City Manager Linn to write a letter to the Florida Department of Transportation requesting that they clean up the area of the Hopkins Creek Ditch which is surrounded by a fence by the high school.

Councilor Shealy stated he received the same anonymous letter from a citizen. He added he could not respond to a letter that was not signed.

CITY MANAGER REPORTS

Building Official /
Community Dev. Dir.

STATUS REPORT – POSITIONS OF BUILDING OFFICIAL AND COMMUNITY DEVELOPMENT DIRECTOR: City Manager Linn stated he had developed job descriptions for both a Building Official and a Community Development Director. Several applications were received for the position of Building Official and he would be making a selection this week. The position of Community Development Director was posted on the internet and applications for that position would soon be received.

Councilor Pruette questioned why the salary range of \$45,000 to \$55,000 for a Building Official required only a high school diploma while the lower salary range of \$35,000 to \$45,000 for a Development Director required a bachelor's degree. City Manager Linn replied the salary ranges were average for the area. The building official position also required state certification and training.

Councilor Pruette stated it was the City Manager's job to fill the positions. She did not want any building department services subcontracted. She felt like the salaries for those positions could be made up as other positions became vacant.

Utility Impr. Projects

UTILITY IMPROVEMENT PROJECT – SEWER: The sewer project was ahead of schedule with 225 days until expected completion. The contractor still had not received the permit from the Florida Department of Transportation to make the connections on Third Street. The new lift station at the corner of Orange Street and First Street would be installed sometime this week.

UTILITY IMPROVEMENET PROJECT – WATER: The bonding company was put on notice that the contractor was now 83 days into liquidated damages at \$1,000 per day including a penalties of \$500 if a utility was hit plus the cost of repairs. The contractor would be making connections Monday and Tuesday of next week. Public Works would be installing relief valves on the system to keep it in operation while connections were being made. The tie ends on Florida Boulevard were complete, they were finishing the surface restorations east of Third Street, and punch list items would follow.

Kings Rd. Bridge

KINGS ROAD BRIDGE: The Florida Department of Transportation was pleased with the results of the recent repairs of the Kings Road bridge and placed it on a six-month inspection schedule. The FDOT also placed the bridge on a five-year capital project replacement schedule that would use federal funds to replace the bridge. The Council now had the option of waiting five years to replace the bridge or to continue with the replacements plan currently in progress.

Consensus: **FORWARD REPLACEMENT OF THE KINGS ROAD BRIDGE TO THE JULY WORKSHOP MEETING.**

Economic Dev.
Committee

COMMUNITY ECONOMIC DEVELOPMENT COMMITTEE: City Manager Linn stated he received several memos from council members recommending persons to serve on the committee. The Council would need to decide if the committee would be a stand-alone committee making recommendations to Council or if Council would be directly involved with the committee.

Mayor Brown stated his idea was for the committee to meet and brainstorm and Council to then join the committee for round table discussions.

Councilor Pruette suggested placing the issue on the July workshop agenda for further discussion.

Consensus: **FORWARD ECONOMIC DEVELOPMENT COMMITTEE TO THE JULY WORKSHOP MEETING.**

Hopkins Creek

HOPKINS CREEK FDOT PROJECT: City Manager Linn stated he signed an agreement with PBS&J for the amount of \$3,500 for a study that included a review of the Florida Department of Transportation's plans for the Hopkins Creek ditch along with the cost of alternatives for repairs. Jim Miller, PBS&J stated he would have the study completed before the July workshop meeting.

City Manager Linn added he received a telephone call from FDOT's District Secretary encouraging the Council to speed up the process of the decision whether or not to accept the offer of transferring ownership of the ditch to the city along with the \$3,500,000 allocation for the project. The District Secretary also informed Mr. Linn that FDOT was not willing to transfer the 1,000 feet portion of the ditch.

PUBLIC COMMENTS

Public Comments

Jill Bonner, 203 Hopkins Street, stated she would prefer permanent speed bumps on Hopkins Street in lieu of the temporary speed bumps that she stated had been in place for ten years. She also voiced concern regarding handicap parking space at the beach access on Hopkins Street with no handicap access onto the beach.

James Sorrell, 464 Seagate Avenue, opposed the Three Strike Ordinance and encouraged enforcement of the current noise ordinances.

Hank Baltar, 2029 Sandpiper Point, opposed the Three Strike Ordinance. He felt tenants should be responsible for their own actions. He suggested rewriting the noise ordinance to empower the police department to cite violators. He added it was very expensive for a landlord to evict a tenant.

Lynda Padrta, 1113 First Street, supported the Three Strike Ordinance. She added she would like to know who was being appointed to the serve on the Boards. She did not understand why the salary review for the City Manager was on the agenda when his contract was on 90-day extensions.

Jan Murdza, 601 Valley Forge Road North, stated he leased his house to five students and did not understand how he could be held responsible for their actions. The lease was signed six months ago and he did not know how he could evict them. He felt people should be held responsible for their own actions.

Beth Schultz, 608 Valley Forge Road North, felt tenants should be responsible for their own actions.

Rhonda Farris, 1100 Seagate Avenue, favored the Three Strike Ordinance. She stated

she had complained multiple times to the apartment property manager about disturbances and they did not respond. She relied on the police response.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES

Ord. No. 2003-07

ORDINANCE NO. 2003-07 – THREE STRIKES – FIRST READ – SPONSOR VICE MAYOR 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 AN EFFECTIVE DATE.

Vice Mayor Gilbert explained the ordinance originated due to the many complaints from residents regarding tenants having all night parties creating noise and parking problems. The ordinance would hold tenants responsible for their actions by being issued a citation or getting arrested. The purpose of the ordinance was to create an environment where someone would be held responsible. The landlord would be notified after each violation and be brought before the Code Enforcement Board after the third offense allowing ample time to warn the tenants of eviction. The landlord could add this provision in the lease making it legal to evict tenants under those circumstances.

Mayor Brown stated the ordinance would not impact many property owners. Currently only two or three residents would be impacted. The owner would be notified of each violation and could take action by warning tenants and making it part of the lease agreement.

Councilor Pruette felt the three complaints should not have to be by three different persons. She stated she would support the ordinance on first reading with the understanding that it would be forwarded to the July workshop agenda for further discussion before second read.

Councilor Shealy felt tenants should be held responsible for their behavior. He also favored forwarding the ordinance to the July workshop meeting.

Moved by Gilbert, seconded by Pruette.

Motion: **TO PASS ORDINANCE NO. 2003-07 ON FIRST READ WITH THE UNDERSTANDING THAT IT WOULD BE FORWARDED FOR DISCUSSION AT THE JULY WORKSHOP MEETING.**

Roll Call Vote:

Ayes: 4 – Gilbert, Shealy, Pruette, Brown
 Noes: 0
 Absent: 1 – Weldon

MOTION CARRIED

OLD BUSINESS / NONE

NEW BUSINESS

Voting Delegate
 FLC

DESIGNATION OF VOTING DELEGATE TO THE FLORIDA LEAGUE OF CITIES:
 Councilor Gilbert nominated Mayor Brown to serve as the voting delegate at the Florida League of Cities Conference. Councilor Pruette seconded the nomination.

Consensus: **TO HAVE MAYOR BROWN SERVE AS VOTING DELEGATE AT THE FLORIDA LEAGUE OF CITIES CONFERENCE.**

Resolution No.
2003-08

RESOLUTION NO. 2003-08, APPOINTING BOARD MEMBERS: RESOLUTION APPOINTING BOARD MEMBERS TO THE PLANNING AND DEVELOPMENT REVIEW BOARD AND THE BOARD OF APPEALS.

Councilor Shealy questioned why the Council was not introduced to board applicants before they were appointed. City Clerk Volpe stated the applications were sent out to Council Members prior to being placed on the agenda. The applicant's qualifications and telephone numbers were on the application and council was welcome to phone them at anytime.

Mayor Brown stated meeting the applicants could be discussed at a future workshop meeting to be made part of the appointing process.

Moved by Gilbert, seconded by Pruette.

Motion: **TO APPROVE RESOLUTION NO. 2003-08, APPOINTING BOARD MEMBERS.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Contingency Fund

AUTHORIZE USE OF CONTINGENCY LINE ITEM TO REPLACE COMPUTER: City Manager Linn asked for approval of the Council to use \$937.73 from the Non-Departmental Contingency Fund to replace a computer in the Finance Department.

Moved by Shealy, seconded by Pruette.

Motion: **TO APPROVE THE USE OF \$937.73 FROM THE NON-DEPARTMENTAL CONTINGENCY FUND TO REPLACE A COMPUTER IN THE FINANCE DEPARTMENT.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

MOTION CARRIED

Resolution No.
2003-09

RESOLUTION NO. 2003-09 – BOND RESOLUTION – PUBLIC WORKS FACILITY (CITY YARD): A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA; PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF AN OPERATIONS AND MAINTENANCE FACILITY; AUTHORIZING THE ISSUANCE OF \$2,200,000 CAPITAL IMPROVEMENT REVENUE BONDS, SERIES 2003 TO PROVIDE FUNDS FOR SUCH PROJECT; AUTHORIZING AWARD OF THE BONDS TO THE SUCCESSFUL BIDDER FOLLOWING SOLICITATION OF COMPETITIVE PROPOSALS; AUTHORIZING PAYMENT OF THE BONDS FROM THE CITY'S NON-AD VALOREM REVENUES; PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS; PROVIDING AN EFFECTIVE DATE.

City Manager Linn stated bids for construction of the new Public Services Facility were

opened on June 28, 2003. The architect estimated the cost of construction would be \$2,200,000. The lowest bid was for \$2,210,000. The second lowest bid was \$2,218,000. The architect was asked to meet with the low bidder to determine ways to lower the bid to meet the estimated \$2,200,000 figure.

Director of Finance Steve Ramsey explained the bonds had to be in place before the bid could be awarded. He added once the resolution was approved requests for proposals on rates would be sent to a number of banking facilities.

Moved by Gilbert, seconded by Shealy.

Motion: **TO APPROVE RESOLUTION 2003-09 – BOND RESOLUTION.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

Resolution No.
2003-10

RESOLUTION NO. 2003-10 – APPROVAL OF MAINTENANCE AGREEMENT WITH FDOT: A RESOLUTION ALLOWING THE CITY MANAGER TO EXECUTE AND DELIVER THE STATE HIGHWAY SYSTEM LIGHTING, MAINTENANCE AND COMPENSATION AGREEMENT TO THE FDOT.

City Manager Linn explained in the past the state had funded part of the lighting and maintenance for Third Street and Atlantic Boulevard. This year the state would fully fund the cost. The resolution would allow the City Manager to sign the agreement accepting those funds.

Moved by Pruette, seconded by Gilbert.

Motion: **TO APPROVE RESOLUTION NO. 2003-10 – APPROVAL OF MAINTENANCE AGREEMENT WITH FDOT.**

Roll Call Vote:

Ayes: 4 – Gilbert, Pruette, Shealy, Brown

Noes: 0

Absent: 1 – Weldon

MOTION CARRIED

City Manager's
Salary Review

ANNUAL SALARY REVIEW – CITY MANAGER: Councilor Shealy suggested forwarding the Annual Salary Review of the City Manager to the July workshop meeting for discussion.

Consensus: **TO FORWARD CITY MANAGER SALARY REVIEW TO THE JULY WORKSHOP MEETING.**

Mayor Brown recognized Jacksonville City Councilman Art Graham as being part of the audience.

Adjournment

There being no further business, the meeting adjourned at 8:15 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____