



MINUTES
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 8, 2003 AT 6:00 P.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special Meeting of the City Council of the City of Neptune Beach was held September 8, 2003, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor Jimmy Gilbert
Councilor Harriett Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
City Manager Richard A. Linn
City Clerk Lisa Volpe, CMC

Director of Public Safety William Brant
Assistant to the City Manager Terry Klein
Director of Public Safety William Brandt
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC
Assistant to the Building Official Piper Turner

Call to Order/Roll Call

The Mayor called the meeting to order at 6:00 p.m.

Ord. No. 2003-13

ORDINANCE NO. 2003-13, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING FINAL MILLAGE RATES AND LEVYING AD VALOREM TAXES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003, AND ENDING SEPTEMBER 30, 2004; SETTING FORTH CERTAIN INFORMATION REGARDING "ROLLED BACK RATES"; DIRECTING THE CITY MANAGER TO ADJUST THE ADOPTED MILLAGE RATES IN THE EVENT OF CHANGES IN THE ASSESSMENT ROLL AND TAXABLE VALUE; PROVIDING AN EFFECTIVE DATE.

Director of Finance Steve Ramsey stated the millage rate would remain at 2.9, the same as last year. The not to exceed rate was 3.5.

Mayor Brown read Ordinance No. 2003-13 by title only and opened the public hearing.

Ron Patten, 405 Davis Street, voiced concern that his tax bill was higher than his sister's who lived in Atlantic Beach.

There being no further comments from the public the public hearing was closed.

Moved by Pruette, seconded by Weldon.

Motion: **TO PASS ORDINANCE NO. 2003-13 ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2003-14

ORDINANCE NO. 2003-14, FIRST READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADOPTING A FINAL BUDGET AND APPROPRIATING FUNDS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2003, AND ENDING SEPTEMBER 30, 2004, PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2003-14, by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Pruette, seconded by Gilbert.

Motion: **TO PASS ORDINANCE NO. 2003-14, ON FIRST READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Ord. No. 2003-10

ORDINANCE NO. 2003-10, SECOND READ AND PUBLIC HEARING: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 13-5, CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH AND PROVIDING AN EFFECTIVE DATE.

Mayor Brown read Ordinance No. 2003-10 by title only and opened the public hearing.

There being no comments from the public the public hearing was closed.

Moved by Shealy, seconded by Weldon.

Motion: **TO ADOPT ORDINANCE NO. 2003-10 ON SECOND READ AND PUBLIC HEARING.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Hopkins Creek

HOPKINS CREEK OUTFALL DITCH: Mayor Brown stated the 90-day extension period to explore alternatives to Florida Department of Transportation's proposed closed culvert system was September 18, 2003. Mayor Brown had drafted a letter to Aage Schroder, District Secretary, FDOT, informing a suitable alternative to stabilize the ditch banks and save the mature trees had not been found. He asked council members if they agreed with the drafted letter.

Councilor Pruette stated if FDOT were to proceed with the culvert plan she would be concerned about the future maintenance based on their past maintenance record.

Jim Miller, PBS&J, stated the feasibility study conducted by PBS&J concluded that it was in the best interest of the city not to take over the project unless more funds were provided.

Councilor Weldon stated the proposal from FDOT to take over the ditch for 3.1 million was unreasonable. He felt the city should continue to resist the culvert project. He suggested writing a letter to FDOT stating we were opposed to the continuation of the project, the offer was inadequate and we would pursue it through our state representatives.

Councilor Gilbert agreed the funds offered by FDOT were not sufficient and the city should continue to resist. He was also concerned about prior maintenance of the ditch.

Councilor Shealy voiced concern regarding the city's liability by delaying the state project.

City Attorney White stated he expected at some point the FDOT would either settle with the city or move forward with the project. He added there would be concern of liability once the delay reached a certain point of getting their way.

Councilor Pruette suggested each Council Member speak with the state representatives.

Councilor Weldon felt the city should not endorse, support or in any way cooperate with the state. He had spoken with State Representative Don Davis and Senator Jim King regarding the project and recommended each Council Member also speak with them.

City Attorney White stated the resistance needed to be in the form of a Resolution.

Consensus: **TO OFFICIALLY TAKE THE POSITION TO RESIST BY RESOLUTION.**

On the Record Mayor Brown stated for the record that he did not agree with the direction to resist because he did not hear anything that would lead toward a favorable resolution.

Councilor Weldon stated the city could resist by injunction or by specifying that the city wanted 13.1 million for taking over the project to be paid over the 5-year duration of the project.

City Attorney White stated more discussion was necessary before the city made the decision to commit to taking over complete responsibility of the ditch regardless of the amount of money offered by the State.

Vice Mayor Gilbert stated the State still had not produced the prior maintenance record of the ditch. He would like to see those records and the proposed 10-year plan and maintenance schedule.

City Attorney White stated he would send a public record request to the State for the records.

Consensus: **HAVE CITY ATTORNEY WHITE SEND A PUBLIC RECORD REQUEST TO THE STATE FOR PRIOR MAINTENANCE RECORDS.**

City Manager Position **INTERIM CITY MANAGER POSITION:** Mayor Brown had written a memo provided in the agenda packet recommending Director of Public Safety Chief William Brant be appointed as Interim City Manager and City Clerk Lisa Volpe serve as Interim Assistant City Manager for administration.

Vice Mayor Gilbert agreed with the Mayor's recommendations adding that they should be compensated for the extra duties. He recommended Chief Brant begin receiving the 5% increase that he expected in March, which amounted to an additional \$3,285.00. He further recommended that City Clerk Volpe receive a 20% salary increase in the amount of \$8,127.00.

Mayor Brown questioned if those figures were annual. Vice Mayor Gilbert replied "yes" on top of their current salary.

Councilor Pruette questioned what would happen to the current Administrative Assistant to the City Manager Terry Klein's. Mayor Brown replied her job duties would remain the same.

Councilor Weldon agreed with Mayor Brown's recommendation for the appointments. He did not agree with tying the compensation to salary increases. He suggested defining a six-month bonus for both positions; \$1,500 per month for the Interim City Manager and \$1,000 per month for the Interim Assistant City Manager.

Councilor Pruette asked Chief Brandt if he was willing to accept the appointment. Chief Brandt replied he would accept the appointment of Interim City Manager.

Vice Mayor Gilbert asked Finance Director Steve Ramsey if it would be easier to use Councilor Weldon's suggestion of a six-month bonus or his suggestion of salary increases. Mr. Ramsey replied it would not matter.

Councilor Shealy agreed with Councilor's Weldon's suggestion.

Moved by Gilbert, seconded by Shealy.

Motion: **TO ACCEPT THE TERMS DISCUSSED.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Steve Ramsey informed the Council that staff was concerned as to the chain of command and who they would report to.

Vice Mayor Gilbert stated the people who reported to Mr. Linn should now report to Chief Brandt.

Councilor Weldon stated there would be only one City Manager, Chief Brant, and that Ms. Volpe would be his assistant.

Discussion ensued regarding the requirements and salary of a new City Manager and if the position should be advertised or if a professional headhunter should be hired.

Councilor Weldon felt the only way to find a qualified candidate was through a professional headhunter and suggested hearing some proposals.

Councilor Shealy agreed with Councilor Weldon.

Vice Mayor Gilbert felt the staff should be involved in the selection of the new City Manager because they would have to work for him.

Mayor Brown asked to place the issue on the September workshop agenda.

Councilor Weldon suggested Interim City Manager Brandt and Interim Assistant City Manager Volpe contact publications and professional headhunters and report back at the workshop meeting.

Repaving

Councilor Weldon stated Volkert & Associates would be present at the workshop meeting to discuss the repaving project.

Public Comment

Julie Cummings, 172 Lighty Lane, felt the city should be reimbursed from the state for services not rendered in the maintenance of the ditch.

Vice Mayor Gilbert stated Council should move forward with the Land Development Revisions now that we had a new Community Development Director.

Councilor Pruette requested that the new Building Official and the new Community Development Director come before the Council at a future workshop meeting and explain their positions and suggestions.

Adjournment

There being no further business, the meeting adjourned at 7:07 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____