



MINUTES
REGULAR CITY COUNCIL MEETING
FEBRUARY 2, 2004, 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 February 2, 2004, at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

Mayor Richard A. Brown
Vice Mayor James Gilbert
Councilor Harriet Pruette
Councilor Larry Shealy
Councilor John Weldon
City Attorney Christopher White
Interim City Manager & Public Safety Director William Brandt
Interim Assistant City Manager & City Clerk Lisa Volpe, CMC

STAFF:

Assistant to the City Manager Terry Klein
Assistant to the Building Official Piper Turner
Director of Finance Steve Ramsey
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

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:**
JANUARY 5, 2004, REGULAR CITY COUNCIL MEETING
JANUARY 12, 2004, WORKSHOP CITY COUNCIL MEETING

Moved by Weldon, seconded by Gilbert.

Roll Call Vote:

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

MOTION CARRIED

COMMUNICATIONS AND CORRESPONDENCE

Councilor Pruette stated she had presented a memo to the Council regarding the ranking of the seven finalists for the city manager position. She felt the process was flawed and could lead to legal issues.

Vice Mayor Gilbert asked City Attorney Chris White if he had the opportunity to review the process and if he felt the process involved in legal issues. He felt the Council should move forward if there were no legal issues involved.

City Attorney Chris White replied he spoke with Councilor Pruette last Friday. It was his opinion everything that took place during the ranking process at the last Council meeting was legal.

Councilor Shealy stated it should be noted that the same three candidates would have come out on top without the inclusion of the staff vote.

On the Record Councilor Weldon stated for the record he agreed with Councilor Pruette that the process that occurred at the last special meeting to narrow the list of candidates for City Manager lent an air of impropriety to the entire effort. It reflected badly on the city and badly on the ultimate choice of a city manager, however, he felt there was no benefit in making an issue of it now.

Councilor Pruette quoted the language in Section 2-67 of the City Code. "The city manager and such other officers of the city as may be designated by vote of the City Council shall be entitled to seats in Council, but shall have no vote therein." She did not agree with the way the process was handled.

Mayor Brown stated there was no policy and procedure in place for hiring a city manager. He suggested defining and adopting a policy and procedure in a future workshop meeting.

CITY MANAGER REPORTS

Sewer Project **SEWER IMPROVEMENT PROJECT:** Director of Public Services Leon Smith reported the contractor was connecting the sewer services on South Street. They still had to open cut the new main from the Sea Horse Motel to Lemon Street. There were also two point repairs that needed to be done on the west side of Third Street at Florida Boulevard. He estimated the project would be completed in a few weeks.

City Yard Project **CITY YARD PROJECT:** Director of Public Services Leon Smith reported the construction of the new city yard was on schedule. The heating and air conditioning ducts were being installed, the interior wall studs had been installed and the electrical wiring was being installed.

PUBLIC COMMENTS

Susan Conley, 1864 Nightfall Drive, was concerned that Hopkins Creek was filling up with silt and was getting shallower.

Sandy Leidy, 1810 Strand Street, stated of all the candidates for city manager it was amazing that after hiring a consultant to do a nationwide search the one selected was living here in Neptune Beach. He felt because Mr. Jarboe was already known in the community that the decision was decided beforehand and was not fair to the other candidates.

Richard Keene, 733 Bay Street, felt his neighborhood had been the storage shed for sewer equipment. He questioned the completion date of the sewer project. Jim

Miller, PBS&J, responded the estimated completion date was March 15, 2004.

Christine Chin, 227A Margaret Street, felt Walter Barry would be a comfortable choice for city manager. She questioned if the ranking would have been different had the Council not known Mr. Jarboe. She felt the Council was divided and encouraged them to find a way to heal the division.

Lynda Padrta, 1113 First Street, was concerned about the process of the hiring of a city manager.

Steve Jarrett, 210 South Street, thanked the Council for donating their time to the betterment of the government of Neptune Beach and asked them to keep up the good work.

Mary Ann Padrta, 1030 Oak Street, felt staff should not have been involved in the ranking of candidates for city manager and was disappointed the Council was unwilling to correct the process. She also questioned if Mr. Jarboe would have been chosen if he had not been known.

Scott Wiley, 723 Davis Street, stated he knew Jimmy Jarboe and felt he was qualified for the position of city manager.

Leslie Lyne, 501 Hopkins Street, felt if there were no names on the resumes the top candidates would have been the same. She also felt there would be a smoother transition if the Council all agreed on the top candidate.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES / NONE

OLD BUSINESS

Kings Rd. Bridge

KINGS ROAD BRIDGE REPLACEMENT DESIGN: Approval of contract for G.A.I. Consultants for the design of new Kings Road Bridge.

Moved by Pruette, seconded by Gilbert.

Motion: **APPROVE THE CONTRACT FOR G.A.I CONSULTANTS, CONTINGENT ON THE CITY ATTORNEY'S APPROVAL OF THE FINAL LANGUAGE.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

NEW BUSINESS

Shade Mtg.

REQUEST FOR SHADE MEETING: City Attorney Chris White requested Council schedule a shade meeting to discuss pending litigation of the Dan Arlington and Solantic cases.

Consensus: **TO HOLD A SHADE MEETING PRIOR TO THE WORKSHOP ON FEBRUARY 23, 2004, AT 6:30 P.M.**

Resolution No.

RESOLUTION NO. 2004-04: A RESOLUTION APPOINTING BOARD MEMBERS TO

2004-04

THE CODE ENFORCEMENT BOARD.

Councilor Pruette stated Council had not met appointee Constance Green. She suggested postponing Ms. Green's appointment until she could attend a council meeting.

Moved by Gilbert, seconded by Shealy.

Motion: **TO ADOPT RESOLUTION NO. 2004-04 APPOINTING LORI GAGLIONE TO THE CODE ENFORCEMENT BOARD.**

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Whataburger

DEVELOPMENT ORDER – WHATABURGER – 1201 ATLANTIC BOULEVARD: Vice Mayor Gilbert stated he did not approve of the proposed pole sign for Whataburger.

Councilor Shealy added the Planning & Development Review Board recommended approval of the development order with the stipulation in the motion that the applicant would provide additional sign options, one being for a monument type sign.

Councilor Weldon asked if the applicant for Whataburger was present to answer questions. Councilor Weldon asked to postpone the development order until a representative was available to answer questions. He asked the City Attorney if it would be feasible to post a moratorium on sign construction until the new sign ordinance became effective.

City Attorney White stated he would draft a Resolution to pass a moratorium for the building of pole signs and have it available for the February Workshop Meeting.

Hank Baltar, Chairman of the Planning & Development Review Board, stated the Board did in fact ask the applicant to provide alternative sign designs emphasizing the desire for a monument type sign.

Consensus: **TO POSTPONE THE DEVELOPMENT ORDER FOR WHATABURGER.**

Consensus: **TO HAVE CITY ATTORNEY CHRIS WHITE PREPARE A RESOLUTION FOR A MORATORIUM ON POLE SIGNS FOR THE WORKSHOP MEETING.**

Monahan Roofing

DEVELOPMENT ORDER – MONAHAN ROOFING – 2050 KINGS CICLE SOUTH: City Clerk Lisa Volpe informed the Council there was not a representative present for Monahan Roofing.

Councilor Weldon asked to postpone the development order until the applicant could be present.

Hank Baltar, Chairman of the Planning & Development Board, felt the applicants should be present for the final approval of development orders. He added once the Board recommended approval the applicant was informed when it would go before the council so they could be present.

Consensus: **TO DEFER THE APPLICATION UNTIL THE APPLICANT COMES BEFORE COUNCIL TO BE AVAILABLE TO ANSWER QUESTIONS.**

City Manager

CITY MANAGER CONTRACT: Mayor Brown asked if Council members had received the

correspondence from the consultant regarding the top three candidates interest and starting salary.

Moved by Shealy, seconded by Gilbert.

Motion: **TO NEGOTIATE A CONTRACT WITH JAMES JARBOE TO BE THE NEXT CITY MANAGER.**

Mayor Brown stated Mr. Jarboe was a finalist because of his background, resume, and interview process.

On the Record Councilor Shealy stated for the record he did not know James Jarboe until the interview process began. He was impressed by his experience and goal setting, and stood behind his decision of making him his number one choice.

Vice Mayor Gilbert stated he did not know James Jarboe personally and he treated Mr. Jarboe equal with the other candidates. His final decision was based on Mr. Jarboe's experience and interview and he felt he was the proper candidate for the position.

Councilor Weldon offered an amendment to the motion that the Council unanimously select James Jarboe as the City Manager.

Moved by Weldon, seconded by Shealy.

Friendly Amendment **TO UNANIMOUSLY AS A COUNCIL SELECT JAMES JARBOE AS THE CITY MANAGER.**

Vice Mayor Gilbert stated he did not want to risk the loss of a top candidate by the addition of the amendment but he urged the Council to vote unanimously.

City Attorney White stated Councilor Weldon offered the amendment and Councilor Shealy seconded the motion. The amendment needed to be voted on before the motion.

Councilor Pruette stated she was unhappy with the selection process but she would support the majority of the Council.

Councilor Shealy withdrew his second on the amendment.

AMENDMENT WITHDRAWN

Vice Mayor Gilbert asked for a roll call on the original motion.

Roll Call Vote:

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

Noes: 0

MOTION CARRIED

Adjournment

There being no further business, the meeting adjourned at 8:12 p.m.

Richard A. Brown, Mayor

ATTEST:

Lisa Volpe, CMC, City Clerk

Approved: _____