



MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 19, 2006 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 June 19, 2006 at 7:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

Vice Mayor Harriet Pruette
Councilor Fred Lee
Councilor Eric Pardee
Councilor John Weldon
City Manager Jim Jarboe
City Attorney Christopher White
City Clerk Lisa Volpe, CMC

STAFF:

Community Development Director Jason Cleghorn
Director of Finance Steve Ramsey
Director of Public Safety David Sembach
Director of Public Services Leon Smith
Deputy City Clerk Karla Strait, CMC

ABSENT:

Mayor Richard Brown

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

PRESENTATIONS

Volunteer of the Year Vice Mayor Pruette presented Wade Tucker the "2005 Volunteer of Year Award" for his hard work and dedication while serving on the Ish Brant Beautification Committee.

COMMITTEE REPORTS / NONE

CITY MANAGERS ACTION LIST

- The on site test for the nitrogen levels was below the new standards. The off site testing results should be received in a few weeks.
- The funding for the Kings Road Bridge was secured with the Department of Transportation but still needed the approval of the Jacksonville City Council.
- Staff was still waiting for the sales tax revenue figures to finish the budget.
- Staff was in the training process on the new information system.
- The menzi muck was being used to clean the retention pond in Jarboe Park.
- Staff had been preparing for the hurricane season.

Councilor Lee asked if the resurfacing of the tennis courts in Jarboe Park was complete. Mr. Jarboe responded the resurfacing of the tennis courts was completed by the City of Jacksonville.

Councilor Lee asked City Manager Jarboe to place the issue of "fair share" on the July workshop agenda.

PUBLIC COMMENTS / NONE**PROPOSED ORDINANCES**

Ord. No. 2006-XX

ORDINANCE NO. 2006-XX, AMENDING POLICE OFFICERS RETIREMENT FUND: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AMENDING SECTION 2-345, DEFINITIONS, BY AMENDING THE DEFINITION OF "CREDITED SERVICE", AMENDING SECTION 2-329.5, OPTIONAL FORMS OF BENEFITS; AMENDING SECTION 2-249.12, DISTRIBUTION OF BENEFITS; AMENDING SECTION 2-349.19, DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; AMENDING SECTION 2-329.24, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe stated these revisions to the police officers retirement fund were made in accordance with state statutes. There would be no additional costs to the city due to the revisions.

Councilor Lee agreed to sponsor the ordinance.

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

Ord. No. 2006-10

ORDINANCE NO. 2006-10, AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT REGULATIONS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, AMENDING SEC. 27-227, SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS AND AMENDING TABLE 27-226-1 PERMISSIBLE USES AND PROVIDING AN EFFECTIVE DATE.

Mr. Joe Quest, owner of Day and Night Moves, Atlantic Boulevard, stated the Department of Transportation (DOT) did not require a commercial driver's license (CDL) for trucks less than 35 feet in length and 26,000 in weight when fully loaded.

Councilor Weldon requested staff verify the length and weight limits with the Department of Transportation before the second reading of the ordinance.

City Clerk Lisa Volpe stated to be in compliance with the state statute ordinances amending or revising Chapter 27, Unified Land Development Regulations, would now need to go before the Planning and Development Review Board before second read. Therefore this ordinance will be forwarded to the August regular meeting for second read.

Consensus: **STAFF TO VERIFY THE SIZE AND WEIGHT LIMITS FOR TRUCKS NOT REQUIRING A COMMERCIAL DRIVERS LICENSE (CDL) WITH DOT AND FORWARD TO THE AUGUST REGULAR MEETING FOR SECOND READ.**

Ord. No. 2006-XX

ORDINANCE NO. 2006-XX, OCCUPATIONAL LICENSES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING SECTION 21, ARTICLE II, OCCUPATIONAL LICENSE TAXES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained the new state law that would take effect January 1, 2007, required changing the name of "occupational licenses" to "business tax receipts." The statute also indicated that the rates for occupational licenses could be increased up to 5%

every two years.

City Manager Jarboe recommended Council discuss the possibility of increasing the rates for occupational licenses during the budget process.

Councilor Weldon was concerned the name "business tax" would discourage businesses from moving into the city. He was also concerned that other areas of the Code that referred to occupational licenses would also need to be revised.

City Attorney White advised because it was state mandated the city would have to comply.

Councilor Pardee agreed to sponsor the ordinance. He felt the change would help prevent people from misrepresenting an occupational license as a contractor's license.

Director of Finance Steve Ramsey stated he would like to have the ordinance in place before occupational licenses were renewed in October.

Consensus: **FOR STAFF TO LOOK AT RAISING THE RATES DURING THE BUDGET PROCESS AND HAVE CITY ATTORNEY WHITE REVIEW THE ORDINANCE AND PREPARE LEGAL ISSUES TO PRESENT TO THE COUNCIL AND FORWARD TO THE JULY WORKSHOP.**

Ord. No. 2006-XX

ORDINANCE NO. 2006-XX, TRAFFIC AND MOTOR VEHICLES: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 22, TRAFFIC AND MOTOR VEHICLES, SECTION 22-3 CERTAIN MOTOR VEHICLES PROHIBITED FROM PARKING IN COMMERCIAL DISTRICTS AND PROVIDING AN EFFECTIVE DATE.

Chief Sembach recommended striking the following sentence from Section 22-3(a) ~~Storage i.e. parking in excess of twelve (12) consecutive hours) of any such vehicle within such zones shall be strictly prohibited.~~

Vice Mayor Pruette agreed to sponsor the ordinance.

Consensus: **FORWARD AS AMENDED TO THE JULY REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS NONE

ISSUE DEVELOPMENT

Parking

DEFINITION OF PARKING: Vice Mayor Pruette felt in it would be helpful for the Boards, in order to avoid misinterpretation, if parking was defined in the Code.

Chief Sembach stated if parking was defined in the Code there should be a definition of both legal parking and illegal parking. He added that he had never had anyone question the definition of parking.

City Attorney White stated the definition of parking was usually standard. He had never heard of anyone questioning the definition.

Vice Mayor Pruette withdrew the issue of defining parking.

Mixed Use

MIXED USE DEVELOPMENT IN COMMERCIAL DISTRICTS: City Manager Jarboe stated a draft ordinance for mixed use development was included the agenda packet for Council consideration. He added that a mixed use development may cause concerns regarding water, sewer, and traffic capacity.

Councilor Weldon was in favor of implementing mixed use development in commercial districts. But he felt the draft ordinance was too complex and suggested preparing simply a list of objections.

Councilor Pardee stated he supported mixed use development. However, he felt problems may arise with hours of operation of outdoor dining, traffic patterns, and signs. He felt it would be a good idea for a land use attorney to review the ordinance.

City Manager Jarboe advised that the ordinance would also require a change in the comprehensive plan. The ordinance would have to have certain components in order to make that change. He would have staff draft a simpler ordinance to bring back to the Council for consideration.

Consensus: **STAFF TO DRAFT A SIMPLER ORDINANCE TO BRING BACK TO THE COUNCIL.**

Neptune Beach
Elementary

NEPTUNE BEACH ELEMENTARY SCHOOL – DONATION FOR PLAYGROUND EQUIPMENT: Vice Mayor Pruette recommended discussing the possibility of a donation for the school during the budget process.

Councilor Weldon stated he would also be interested in the city contributing in kind like having the city install sidewalks, etc.

Councilor Lee supported a donation, adding the playground provided the opportunity for children to be more active and a contribution such as installing sidewalks would allow the city to become more involved in the community.

Principal Sharon Kinske thanked the city for considering helping with the playground.

Consensus: **TO DISCUSS CONTRIBUTING TO NEPTUNE BEACH ELEMENTARY SCHOOL PLAYGROUND DURING THE BUDGET PROCESS.**

Third St. Crossover

CROSSWALK OVER THIRD STREET / A1A: Vice Mayor Pruette stated the traffic on Third Street was increasing every year. She asked Council to consider the possibility of a constructing a crosswalk for pedestrians over Third Street. She suggested staff research the availability of grants that would contribute to the construction cost.

Councilor Weldon felt it was important for the Council to project the future needs of the community. He added the state would also need to be involved because it is a state highway.

Councilor Pardee stated he would support the crossover with cooperation from the cities of Jacksonville Beach and Atlantic Beach. He did not see the justification of using tax dollars for the project.

Councilor Lee felt a crossover on Third Street would solve some of the parking problems in the Town Center area, bringing more customers to the Town Center restaurants and shops, and more people to the beach.

Councilor Weldon felt Atlantic Beach would be interested in a cooperative plan. He added he would like to see some concept drawings.

Vice Mayor Pruette stated she would take pictures of the crossover on the University of North Florida campus.

CM Contract

CITY MANAGER CONTRACT: Vice Mayor Pruette stated Mayor Brown had requested Council consider the proposal of a three year extension to the City Manager's contract.

Councilor Lee questioned the process and procedures for the city manager's performance evaluation. He felt an question and ratings sheet should be drawn up.

City Manager Jarboe requested to remove the issue from the agenda.

Councilor Weldon stated Mayor Brown placed the issue on the agenda and asked that Councilor Lee finish stating his thoughts.

City Manager Jarboe stated he no longer wished to extend his contract and asked that it be removed from the agenda.

Vice Mayor Pruette withdrew the issue from the agenda at City Manager Jarboe's request.

Holiday Decor.

HOLIDAY DECORATIONS: Mayor Brown met with Atlantic Beach Mayor Wolfson to discuss holiday decorations. They both agreed that to avoid conflict between different religions that only decorations decided and installed by city personnel would be displayed on public property.

Councilor Weldon asked staff to create an ordinance similar to the one adopted by Atlantic Beach for Council consideration.

Consensus: **HAVE STAFF READ AND CREATE AN ORDINANCE MATCHING THE ATLANTIC BEACH ORDINANCE REGARDING HOLIDAY DECORATIONS AND FORWARD TO THE JULY WORKSHOP MEETING.**

Ord. No. 2006-08 &
Ord. No. 2006-13

Councilor Pardee stated he recently sent a memorandum to the City Manager and Council asking to table Ordinance No. 2006-08, until the land use attorney finished the review of the land development regulations and the traffic study was completed. He added the reason he voted to hire these professionals was to determine if the ordinance was legal.

City Attorney White replied the Council would be considering Ordinance No. 2006-13 at the June 22, 2006 special meeting. The text of the ordinance was to repeal Ordinance No. 2006-08 and pass Ordinance No. 2006-13.

Councilor Pardee was concerned about the correspondence and communication between City Manager Jarboe and Karl Sanders, Attorney for Wal-Mart. He felt it was reaching a level where the communication should be directly between City Attorney White and the attorney for Wal-Mart, Karl Sanders.

City Attorney White responded that because Mr. Sanders acted both as an agent and attorney for Wal-Mart the respondent to his correspondence depended on the subject matter in question. For example staff should respond to administrative correspondence and he would respond to legal issues.

Councilor Weldon cautioned Council members to be very circumspect in their communications with Mr. Sanders so as not to damage potential litigation.

FLC Conference

City Clerk Volpe reminded Council to notify her if they planned on attending the Florida League of Cities Conference so she could send in the registration.

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: _____