



MINUTES
WORKSHOP CITY COUNCIL MEETING
MAY 18, 2009, AT 6:00 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 May 18, 2009 at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

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

Director of Finance Steve Ramsey
Director of Public Safety David Sembach

Call to Order/Roll Call Mayor Pruette called the meeting to order at 6:00 p.m.

PRESENTATIONS

IBBC

ISH BRANT BEAUTIFICATION COMMITTEE / NON PROFIT STATUS: Barbara Jackson, Chairperson for the Ish Brant Beautification Committee, explained the purpose of the committee was to beautify Neptune Beach which they have done through many projects. They previously received small contributions from the city. However, they have not received any funding from the city in over a year. The committee felt it would be beneficial, with Council approval, to pursue a non profit status and become a 501(c)3 in order to receive donations of money, plants, planting materials, etc.

City Manager Jarboe explained there are a number of organizations that will not donate to government agencies but they will donate to a private 501(c)3.

Vice Mayor Weldon asked if Council would still be responsible for appointing members to the committee. Mrs. Jackson stated that would not change.

CONSENSUS: **TO PLACE ON THE JUNE CONSENT AGENDA.**

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- He was communicating with Florida Department of Transportation regarding the cross walks.
- He was meeting with Atlantic Beach regarding the wastewater.
- Gateway Center has applied for a permit for a medical center.
- Penman Plaza has passed inspection for piling in their new expansion area.

- The former Taco Bell has a group proposing to operate a sports bar and grill.
- Building plans have not been submitted for the location of the old Neptune Mall.
- Regency Center has six weeks to approve the plans for the Publix.
- The Island Girl Cigar Bar will open for business Friday.
- Dancin' in the Streets had an extremely large crowd. There were no incidents reported.

PUBLIC COMMENTS

PROPOSED ORDINANCES/ NONE

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Brant Blvd. MAINTENANCE OF BRANT BOULEVARD / SUMMER SANDS: Mayor Pruette stated this item has been settled between the City Manager and the Summer Sands Homeowners' Association.

Sun Dog Diner SUN DOG DINER / SIDEWALK LEASE AGREEMENT: City Manager Jarboe stated the Sun Dog Diner would like to install a retractable awning over the outdoor seating area. He felt this would enhance the appearance and provide more comfort for the outdoor diners. It would have to pass Florida Building Code requirements. He suggested placing this on the June consent agenda for approval.

Consensus: **FORWARD TO THE JUNE CONSENT AGENDA.**

Animal Ordinance Committee ANIMAL ORDINANCE COMMITTEE REPORT / PROPOSED AMENDMENTS TO THE CODE: Mayor Pruette stated she would like Council to ask the committee questions regarding their recommendations and have an open discussion with the committee members.

Vice Mayor Weldon supported the recommended changes as a concept. However, he asked Mrs. Shedden, Chairperson and Executive Director of the Jacksonville Humane Society, to respond to the following questions: 1) Why they recommended licensing of animals, 2) why they recommended Council appoint a board to oversee the animal ordinance, and 3) why they recommended extending the hours allowing dogs on the beach.

Mrs. Shedden stated the committee appreciated the opportunity to review the animal ordinance. She felt all the recommendations should be discussed and considered. She stated that each member of the committee had different expertise and ideas and spent a lot of time considering and implementing those ideas into the existing ordinance. She added the recommended changes were modeled after the Humane Society of the United States.

She felt licensing all pets would help to establish a database of dogs and cats living in the City and would help monitor incidents occurring within the City limits.

Vice Mayor Weldon questioned if there was another means in place for monitoring incidents. Mrs. Shedden felt the old monitoring system used by the Public Safety Department was inaccurate. She felt those that did not license their animals should be subject to a serious fine.

Vice Mayor Weldon questioned how the database would be monitored.

Mrs. Shedden explained if the city implemented a database it would record and document

occurring incidents. This would also allow the City to be aware of what animals are in the City, how they are being supported by their owner, and what problems, if any, they are creating.

Sandy Golding, member of the Animal Ordinance Committee, added animals that are spayed or neutered would pay a lesser fee for licensing. This would encourage owners to spay or neuter their pets. Also male dogs that are spayed or neutered have a tendency to be less aggressive. It would also help prevent procreation of aggressive dogs.

Mary Cleary, Veterinarian, asked City Attorney White if the city was liable for not being proactive by requiring animals within its boundaries to be vaccinated against rabies.

City Manager Jarboe responded it was a State requirement to have animals licensed for rabies. It was the owner's responsibility, not the city or county. The cities and county also enforce State law licensing for rabies therefore a city license is not necessary. Animal Control enforces this law if they approach an animal that does not have a tag. The owner is then given a ticket for not having the dog licensed.

Councilor Lee asked what would classify a dog as "dangerous" or "potentially dangerous" and how would the city deal with a dog that did not live within city limits.

Mrs. Shedden replied when an incident occurs with an animal inside city limits it is tried in Neptune Beach. Then the animal would be identified and the city could be proactive and give the owner an opportunity to correct the behavior and eliminate the danger to the community. She added the Humane Society did not identify specific breeds of animals as dangerous. The committee would also like the entire county to adopt the same ordinance in order to be consistent.

Bob Hammesfahr, Veteran Dog Trainer, felt there were no dangerous dogs, only irresponsible owners.

Mrs. Golding added Neptune Beach police officers are able to ticket speeders in the city that do not live in Neptune Beach, and they should also be able to handle a situation with an animal that does not live in the city limits.

City Manager Jarboe replied Animal Control has always and continues to issue tickets to people for dogs that do not live in the city.

Mrs. Shedden stated the ultimate goal is to prevent an animal from being classified as potentially dangerous before the fact. This would prevent the owner from the need to purchase liability insurance and also save animals from having to be euthanized.

Mary Cleary, member of the committee and veterinarian, stated education was the key factor. If an animal is euthanized the owner does not learn anything.

City Manager Jarboe stated the Public Safety Department now has the software available to set up a database system to track animal incidents.

Mrs. Shedden explained the City of Jacksonville is now allowing veterinarians to license animals. She felt it would be in the best interest of the beach cities to also allow Veterinarian's to license animals so there is no confusion.

City Manager Jarboe felt allowing veterinarians to license animals would solve the need for the city to hire additional staff. However, someone would need to create the program and enter the data. He added that animal control was technically the responsibility of the county.

Councilor Pardee supported veterinarian's handling the licensing. He did not think the City

should be involved in licensing. He asked City Attorney White to review the recommendations of the committee.

Mayor Pruette questioned the difference between a "dangerous dog" and "dangerous breed."

Mr. Hammesfahr replied there were no dangerous breeds of dogs. The difference was the education of the owner.

Mayor Pruette stated the Code requires owners to be in control of dogs at all times. She questioned how someone could be in control of an animal if the person was on a skateboard or bicycle. City Attorney White stated it would be difficult to determine whether or not someone was in control of an animal. For example, there could be a strong young man on a bicycle or skateboard and an elderly person holding onto a large dog on a leash which would make it difficult to determine which one had more control.

Mrs. Golding stated the committee recommended adding the following language: "such leash must be attached to a fixed object or specifically held by a person capable of controlling the animal."

Mayor Pruette suggested the Council review the proposal.

Councilor Tucker felt a lot of the issues could be resolved by working together with the county and sister beaches cities.

City Manager Jarboe stated a county wide approach would make it easier to enforce and asked if the Humane Society could help lobby the point.

Vice Mayor Weldon questioned why the committee recommended a board to oversee the ordinance.

Mrs. Golding replied the committee's thought was having a veterinarian, an animal trainer, and a lawyer on a board, the city would have a better legal opportunity to make decisions regarding whether a specific animal was potentially dangerous.

Mr. Hammesfahr felt the different backgrounds provided the experience to make a proper decision medially, legally, and behaviorally.

Mrs. Shedden added a Board would lend credibility to the animal control officer.

Vice Mayor Weldon suggested appointing a panel of advisors to the Animal Control Department.

Mayor Pruette questioned if the panel would have to adhere to the sunshine laws.

City Manager Jarboe stated if the panel made recommendations and was not a fact finding committee or board it would not be held to Sunshine Law.

Vice Mayor Weldon felt the prospective dangerous dog component was most valuable. He recommended Council and staff review the proposed amendments and forward it as an agenda item to incorporate into the Code.

Councilor Weldon questioned why the committee recommended extending the hours of allowing dogs on the beach.

Mrs. Shedden replied the hours should be consistent throughout the beaches to avoid confusion. The committee felt dogs should be allowed on the beach during all hours from October to May.

Mayor Pruette stated one problem was Neptune Beach did not the staff time to do anything other than what we were already doing.

Mrs. Golding stated it would not mean less staff time. If dogs were allowed on the beach during non peak times an officer would have to police the beach.

Mrs. Shedden suggested the consideration of a 90 day trial period.

Councilor Lee supported the licensing and registration of animals on the county level at the veterinarian's office.

Mr. Hammesfahr felt lack of enforcement should not be a reason to prohibit dogs on the beach.

Councilor Pardee felt the Council needed more input from the public regarding dogs being allowed on the beach. He felt licensing was unnecessary because it could not be enforced by the city.

Consensus: **HAVE STAFF TAKE A LOOK AT THE ORDINANCE AND COME UP WITH RECOMMENDATIONS TO INCORPORATE.**

City Manager Jarboe stated he would work with Leona Shedden on the proposed recommendations.

Mayor Pruette opened the floor for public comments.

David Baker, First Street, felt the fine for first offenses should be \$100.00, second offenses should be \$200.00, and third offenses \$500.00. He also felt a 12 foot leash should be required in lieu of a 16 foot leash. He felt there should be a law against pulling a dog on a skateboard or bicycle and dogs over a certain weight should be required to have training.

Lynda Padrta, 1113 First Street, agreed the County and the veterinarians should control licensing of pets. She would also like for people filling out applications for utilities to sign an affidavit stating they are aware of the animal ordinance. She felt the three cities should work together to avoid confusion. She did not support extending the hours to allow dogs on the beach.

JoAnne Waddill, 1816 Strand Street, felt the hours of allowing dogs on the beach should not be extended.

Alan Martin, 1113 First Street, hoped the city was abiding the state statutes regarding dangerous dogs and felt dog owners should be more responsible.

Pete Duffy, 123 Bowles Street, service dog owner, felt the countywide veterinarian licensing made sense. He suggested allowing dogs on the beach Monday through Friday when the beaches were not that crowded.

DISCUSSION

Councilor Lee asked if there was any way the city could allocate money to place doggie poop bag stations along First Street. City Manager Jarboe stated the bags only worked if people used them. Mayor Pruette asked staff to review the request.

Adjournment

There being no further business, the meeting adjourned at 7:50 pm.

Harriet Pruetter, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____