



**MINUTES**  
**WORKSHOP CITY COUNCIL MEETING**  
**OCTOBER 19, 2009, AT 6:00 P.M**  
**CITY HALL, 116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA**

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Pursuant to proper notice a Workshop Meeting of the City Council of the City of Neptune Beach was held October 19, 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

Community Development Director Amanda Askew  
Senior Activity Center Director Leslie Lyne  
Director of Finance Steve Ramsey  
Director of Public Safety David Sembach  
Director of Public Services Leon Smith

Call to Order/Roll  
Call

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

**PRESENTATIONS / NONE**

**CITY MANAGER'S ACTION LIST**

City Manager Jarboe reported on the following:

- There was a water break on the site of the new Publix and the city was working on the repair.
- A ground breaking ceremony for the new Publix will be held in November.
- The paving of Third Street has slowed down and will pick up after the first of the year.
- The contractor for the Florida Department of Transportation will be leveling the manholes on Third Street.
- The development order for Beaches Chapel will go before the Board of Appeals due to a request for a variance in a residential area. Following the Board of Appeals decision the development order will go before the Planning & Development Review Board for recommendation. It should be before Council in

January.

Councilor Lee questioned if the Florida Department of Transportation started the preparations for paving Third Street. City Manager Jarboe replied preparations have begun for the installation of street and traffic lights.

Councilor Lee questioned if FDOT would be correcting any ADA issues along Third Street. City Manager Jarboe replied yes.

Mayor Pruette questioned if the fence along Florida Boulevard was going to be replaced after having been damaged three times by out of control vehicles. City Manager Jarboe stated he was working with the City of Jacksonville to have a reflective barricade installed.

### **PUBLIC COMMENTS**

Daryl Grubbs, 1919 Nightfall Drive, felt rights-of-way usage should be considered on a case-by-case basis. He added Florida Statutes allows rights-of-way to be abandoned to adjoining property owners if the city did not have a need for them.

### **PROPOSED ORDINANCES**

PORF Ord.

ORDINANCE NO. 2009-XX, CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, SECTIONS 2-345 THROUGH 2-349.25; AN ORDINANCE OF THE CITY OF NEPTUNE BEACH AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM, SECTIONS 2-345 THROUGH 2-349, INCLUSIVE, OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained after reviewing the ordinance he would like to remove the non-mandatory items. He asked to have the pension board investment advisor address the non-mandatory items at a future Council meeting. He advised Council to move forward with the Ordinance regarding only the state mandated items.

Consensus: **REMOVE THE NON-MANDATORY ITEMS AND FORWARD TO THE NOVEMBER REGULAR MEETING FOR FIRST READ.**

Budget Ord.

ORDINANCE NO. 2009-XX, AMENDING THE OPERATING BUDGET FY 2009; AN ORDINANCE AMENDING THE OPERATING BUDGET FOR THE CITY OF NEPTUNE BEACH, FLORIDA FOR FISCAL YEAR 2009, BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009.

Director of Finance Ramsey explained this Ordinance amended the operating budget for year 2009/2010 to reflect additional revenue received from FEMA, funding received for the Kings Road Bridge, and a loss of state revenue.

City Manager Jarboe added the Ordinance was necessary for the city to be prepared for the annual audit.

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

**CONTRACTS / AGREEMENTS / NONE****ISSUE DEVELOPMENT**

## Rights-of-Way

**USE OF PUBLIC RIGHTS-OF-WAY:** City Manager Jarboe stated the agenda packet included a complete list of properties the city has abandoned throughout the years. He has submitted a proposed policy outlining guidelines to abandon rights-of-ways, which included having a unanimous vote of the Council.

Vice Mayor Weldon felt public rights-of-way belonged to the community and before the City abandoned any rights-of-way it should be the result of an overriding public interest. The policy included guidelines for the Planning & Development Review Board and the Board of Appeals. The policy also included a statement advised by the City Attorney that public property shall only be abandoned to promote public welfare, not for benefit of a private person or corporation. He felt Council should consider amending the language to a "super majority of votes", meaning 4 out of 5, in lieu of "a unanimous vote of the Council".

Mayor Pruette agreed the Council should consider amending the language to "super majority of votes".

Vice Mayor Weldon added people that are genuinely interested in asking the city to abandon property should be willing to pay the value for the property.

Councilor Lee stated he would like Council to maintain the ability to lease rights-of-way. He added the current sidewalk leases for outdoor seating have benefited restaurant owners and produced a small revenue stream for the City.

Councilor Pardee was concerned about the language and wanted to ensure that the City would not be forced to sell a right-of-way just because someone offered the assessed value. He felt having guidelines for the Boards to follow was a good idea.

Vice Mayor Weldon stated the policy could be amended to read "The Council can either require that the abandoning of a right-of-way be of public interest and that the city is compensated in a material way equal to the current value."

Councilor Pardee also felt leasing rights-of-way were a benefit to property owners and the City. He also agreed with amending the language to a super majority vote.

City Attorney White asked Vice Mayor Weldon if he would be willing to amend the last paragraph to replace the word "requirement" with "exception." Vice Mayor Weldon agreed.

City Attorney White stated he would meet with City Manager Jarboe to amend the language in Section 27-478 dealing with rights-of-way.

Vice Mayor Weldon felt Council should be aware that allowing someone to build a structure on public property was effectively abandoning that property whether it is intended or not.

Consensus: **FORWARD TO THE NOVEMBER MEETING FOR FIRST READ.**

City Manager Jarboe stated he and City Attorney White would amend the policy and have it prepared for first read at the November regular meeting.

**OPEN DISCUSSION**

Vice Mayor Weldon stated he would like Council to correct paperwork errors regarding the Ish Brant Park behind the K-mart Shopping Center. He asked staff to prepare a Resolution and have the property surveyed to determine if the deed matched the plat.

Councilor Pardee requested the Ish Brant Park Resolution be placed on the November workshop meeting agenda.

Adjournment

There being no further business, the meeting adjourned at 6:30 pm.

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Harriet Pruetten, Mayor

Attest:

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Lisa Volpe, CMC, City Clerk

Approved: \_\_\_\_\_