



MINUTES
WORKSHOP CITY COUNCIL MEETING
AUGUST 16, 2010, 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 August 16, 2010 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 Fred Lee
Councilor Kara Tucker
Councilor John Weldon
City Attorney Chris White
City Manager Jim Jarboe
City Clerk Lisa Volpe, CMC

Director of Public Safety David Sembach
Director of Finance Steve Ramsey
Director of Public Services Leon Smith

ABSENT:

Councilor Eric Pardee

Call to
Order/Roll
Call

Mayor Pruette called the meeting to order at 6:00 p.m. City Clerk Volpe called the roll and stated Councilor Pardee was out sick.

PRESENTATIONS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- There were recently two fires in the city, one happened in the 600 block of First Street and the other was at Bono's Bar-B-Que.
- The grand opening for the Seminole Shopping Center will be held on Saturday the 28th at 10:00 a.m.
- The city is looking into the possibility of installing solar cells on the City Hall building using stimulus money from a grant appropriated by the City of Jacksonville. This would reduce the electric bill by approximately \$600 to \$700 per month.
- The brick crosswalks have been installed at the major intersections on A1A. FDOT will be completing the stripping soon.
- The wastewater package plant has been cleaned out and the city will be reimbursed for the cost.

- The Notice to Proceed has been issued to the contractor for the TMDL improvements.
- A report indicated the nitrogen level has been reduced due to the in-pipe technology. The report showed an average reduction of 31%.

PUBLIC COMMENTS

Hal Elarbee, 411 Margaret Street, concerned about a code enforcement notice he received regarding storage of his boat on his property.

Travis Smith, 405 Margaret Street, also voiced concern regarding a code enforcement violation notice he received for a trailer that he stores on his property.

Richard Keene, 733 Bay Street, asked the Council to contact FDOT concerning the condition of the area between Fifth Street and Bay Street where the construction crews, doing the repaving of A1A, had been parking their vehicles. He also requested the Council hold an additional workshop meeting regarding the Ordinance that would combine the Planning & Development Review Board and the Board of Appeals.

Mary O Brian, 7915 Baymeadows Road, Suite 300, Advance Disposal Services, encouraged Council to ask for competitive bids for a new solid waste and recycling contract. She added Advance Disposal would bid on the contract responding with the best rates and service possible.

PROPOSED ORDINANCES / NONE

CONTRACTS / AGREEMENTS

Waste Pro

WASTE PRO – CONTRACT AMENDMENT AND EXTENSION: City Manager Jarboe explained he had been contacted by several garbage collection companies interested in bidding on our solid waste and recycling contract. The current contract with Waste Pro will expire in April or May of 2011. He added if the Council was interested in putting the contract out for bid he would need to give Waste Pro six months notice.

Mayor Pruette stated this item was originally placed on the agenda to discuss tipping fees. City Manager Jarboe replied it was possible that the City will have to pay tipping fees next year and it would be nice to have some money in the reserves in case that happens.

Mayor Pruette asked the City Manager for his recommendation. City Manager Jarboe stated it would be a good idea to request proposals. He would like to ask for bids on semi-automated pick up and completely automated pick-up to see what the difference would be. He added that some businesses were planning to switch from dumpsters to compactors.

Vice Mayor Lee stated he would like to put the solid waste and recycling out for a competitive bid.

Councilor Weldon felt it would be in the best interest of the citizens to have a competitive bid on the solid waste and recycling contract.

Councilor Tucker agreed the contract should be put out for a competitive bid.

Consensus: **TO BID OUT THE CONTRACT FOR SOLID WASTE AND**

RECYCLING AND HAVE THE CITY MANAGER GIVE SIX MONTHS NOTICE TO WASTE PRO AS REQUIRED IN THE CONTRACT.

ISSUE DEVELOPMENT

CEB
Magistrate

CODE ENFORCEMENT BOARD MAGISTRATE: City Manager Jarboe explained the Code Enforcement Board meetings cost the city \$120.00 per meeting for staff overtime. A magistrate meeting during the day would cost the city \$125.00 an hour.

He explained the actual cost of the hearings depended on the amount of cases each month. The Code Enforcement Officer is reactive rather than proactive and tries to work with violators to correct problems before sending them through to the Code Enforcement Board for action. He felt having a magistrate would bring in more revenue for fines which would offset the cost. He also stated the city may want to look into charging an administrative hearing fee of \$100.00 to violators which would also help offset the costs.

Mayor Pruette stated the two issues before the Council was whether or not the city wanted to charge an administrative hearing fee and to determine if they wanted to use a magistrate in lieu of the Code Enforcement Board.

Councilor Weldon felt a magistrate was the most efficient way to handle code enforcement. The issue was not only about cost it was also about what was more efficient and effective in terms of code enforcement. He felt there was a presumption by code violators that they could convince their neighbors sitting on the board to allow them another chance or forgive the violation completely. He added many small cities have gone to a code enforcement magistrate because they are trained professionals and would enforce the Code as it is written.

Councilor Tucker stated she knew that the City of Jacksonville Beach used a magistrate and that a magistrate would prevent pitting neighbors against neighbors. She was unsure, at this time, which way she felt would be best.

Vice Mayor Lee stated he thought Councilor Weldon had valid points and supported moving forward with the change.

Mayor Pruette stated there were both pros and cons either way. The Code Enforcement Board was doing a good job. She was concerned about the cost of a magistrate because the city was on a tight budget. She asked City Manager Jarboe to draft an ordinance for Council to workshop.

Councilor Weldon added using a magistrate could save money over time. There also may be less code enforcement actions because violators would not be able to delay action by speaking with their neighbor board member.

Consensus: **HAVE CITY MANAGER JARBOE AND CITY ATTORNEY WHITE DRAFT AN ORDINANCE TO WORKSHOP.**

PORF Board

POLICE OFFICERS RETIREMENT FUND BOARD APPLICANTS: Mayor Pruette stated applications have been received from David Linger, CPA and Barry Chandler, CPA, to serve on the Police Officers Retirement Fund Board. Mr. Chandler would not be available to serve for several months. Mr. Linger is available to start immediately. Another position on the Board is going to become available soon where Mr. Chandler will be considered.

Vice Mayor Lee stated the PORF Board played a critical role in the City. He is concerned about the amount of money the City has had to contribute to the pension plan. He liked

that both applicants were Certified Public Accountants.

Mayor Pruette stated she has known Mr. Linger for over 20 years and she highly recommended him.

Councilor Weldon stated he shares office space with Mr. Linger and he had encouraged him to submit his application to serve on the Board. He felt the City was lucky to have such a qualified candidate volunteer his service for this Board.

Councilor Tucker stated she knew both candidates and felt they both were qualified to serve on the Board. She felt Council should go ahead and appoint Mr. Linger to the Board.

Consensus: **FORWARD TO THE SEPTEMBER REGULAR MEETING.**

Finding of
Facts

FINDING OF FACTS: Councilor Weldon stated it was no longer a State requirement that board members use a "finding of facts" sheet when deciding whether or not to approve variance applications. He was concerned the finding of facts sheet would create too great of a workload for the new Community Development Board. He did feel it was important for board members to understand the guidelines to measure each application and suggested maybe the seven findings of facts be reviewed at the beginning of each meeting.

Mayor Pruette stated years ago the Board of Appeals only made recommendations to the Council for variance approvals and the Council only heard appeals based on decisions. She reviewed all the comments on the seven findings of facts for each variance appeal and felt it was helpful to know the insight for each board member's reasoning.

Vice Mayor Lee felt the finding of facts helped board members participate and stay focused.

Councilor Tucker felt the new board should be required to fill out the finding of facts. She also felt it was helpful and provided documentation for legal issues.

City Attorney White advised there is no legal mandate for cities to require findings of facts. The city does have to keep records on basis of the board's decisions on developments orders, variances, and exceptions. If the finding of facts is eliminated the city will run the risk of not providing evidence to back up board decisions.

Councilor Lee felt there should be a documentation process. He suggested getting feedback from board members.

Councilor Weldon stated there is a verbatim record of the board discussion on all appeals. He felt as long as the board was discussing the finding of facts the city would have evidence of how each member based their decision.

Mayor Pruette stated she would like to keep the finding of facts.

Councilor Weldon explained he was not suggesting eliminating the finding of facts. He would like to find a more efficient way other than requiring that each board member fill out a finding of facts sheet. He felt that was a lot of paperwork and may deter board volunteers.

City Attorney White suggested obtaining input from the board members regarding their opinion of keeping or eliminating the finding of facts.

Mayor Pruette stated the comments on the findings of facts were very helpful.

Richard Keene, Planning & Development Review Board Member, stated Section 27-147 required each board member to have a positive decision on each of the seven findings of facts if they were going to approve a variance. If a board member did not choose "yes" for each of the seven findings of fact the board member was required to deny the variance request application. The staff added a column to the sheet asking each member to provide a written statement on each finding. He felt the procedure could be simplified by eliminating the necessary written comments.

Mr. Keene stated he was a past Chairman of the Code Enforcement Board. He felt a Magistrate would increase situations where an attorney would be required to defend the city.

Mr. Keene questioned if the Council would have final decisions on all cases before the Community Development Board including both development orders and variances.

Mayor Pruette asked if the Planning & Development Review Board would be reviewing the ordinance to combine the boards at this month's meeting. City Clerk Volpe replied it was on the boards agenda to review the ordinance.

Councilor Weldon stated the Community Development Board Ordinance would have a distinction between commercial development orders which were only recommended to Council for approval and residential variances that would be approved at the board level and forwarded to Council only on appeal.

Mayor Pruette asked that Community Development Director Askew attend the next meeting to respond to questions regarding the Ordinance.

Consensus: **TO HAVE A WORKSHOP MEETING BEGINNING AT 5:15 P.M. BEFORE THE REGULAR SEPTEMBER MEETING TO REVIEW THIS ORDINANCE.**

Budget FY
2010-2011

BUDGET FY 2010-2011: Finance Director Steve Ramsey explained the budget was prepared based on the roll back rate of 3.1826 mills. This amounts to the same revenue received FY 2009-2010. The General Fund budget shows a decrease in expenditures of 1.06% for the fifth year.

The budget provided no salary increases for employees for the third year in a row. The employees have actually had a decrease of 3% with the cost of living expenses factored. In addition to no salary increases employee benefits have also been decreased this year for the second year in a row.

City Manager Jarboe stated the General Fund budget has decreased for the last five years in a row. Grants for Public Safety and Public Services have saved the city money.

Mayor Pruette stated the revenue was decreased by \$87,598. Finance Director Ramsey added the numbers were conservative based on the state projections. However, the state did not consider the effects of the oil spill when determining the amount we would receive.

Mayor Pruette stated the city may be required to pay tipping fees for solid waste to the City of Jacksonville next year and they would also be reviewing and possibly making changes to the Interlocal Agreement. She felt the City should put extra money in the City Attorney budget to cover his legal fees for having to negotiate with the City of Jacksonville on the Interlocal Agreement.

Mayor Pruette stated most of the percentage of Neptune Beach property taxes went to the City of Jacksonville. The City of Jacksonville receives 37.3% of the tax dollars whereas the City of Neptune Beach only receives 17%. She added that the City of Jacksonville did not provide Neptune Beach with Public Services, Public Safety or Animal Control. She asked City Manager Jarboe to compare these cost based on the City of Jacksonville providing these services for Neptune Beach.

Vice Mayor Lee explained to the audience that each Council member had met individually with the City Manager and Finance Director to go over the budget prior to the meeting. He thanked them for taking a conservative approach by using the roll back rate. He asked Finance Director Ramsey if it was correct that no employee has received a raise in the past three years. Mr. Ramsey replied that was correct.

Vice Mayor Lee stated the employee health insurance was reviewed the last two years and the total benefit compensation for each employee has decreased. Mr. Ramsey replied that was correct.

Vice Mayor Lee stated staff has been reduced by 15 to 16% in the past four years. Mr. Ramsey replied that was correct.

Vice Mayor Lee asked Finance Director Ramsey if he felt Neptune Beach has hit bottom for assessed value or if they would go lower. Mr. Ramsey replied it was possible the assessed property values could decrease in the next year or two.

Vice Mayor Lee asked if the millage rate for Neptune Beach was higher or lower than the neighboring beach cities. Mr. Ramsey replied it was less than Jacksonville Beach and possibly a little higher than Atlantic Beach. City Manager Jarboe stated the City of Atlantic Beach may raise the millage rate to the roll back rate which would make there millage rate higher than ours.

Vice Mayor Lee questioned if the stormwater and sanitation fees were still being supplemented by the General Fund. Mr. Ramsey replied the Council took action to raise the stormwater and sanitation fees to make those two funds whole and they were no longer being supplemented by the general fund.

City Manager Jarboe voiced concern regarding businesses sharing dumpsters and beginning to use trash compactors. He felt this would lower revenue for the city. Finance Director Ramsey added tipping fees would be a major expense if required next year by the City of Jacksonville.

Councilor Tucker felt the city should be thankful the employees were willing to work with city lowering benefits and not giving them salary or cost of living increases for the past three years. She agreed the additional money needed to be placed in the City Attorney budget for legal fees connected with the City of Jacksonville Interlocal Agreement. She added it was great that city departments continued to apply and use grant money.

Finance Director Ramsey stated the Public Safety Department has received grants for new vehicles. The Public Services Department has not received a new vehicle in the past three years and they would be needed one in the near future.

City Manager Jarboe stated the first meeting on the budget was scheduled to be held on September 7th and the second was scheduled for September 20th.

Consensus: **TO HOLD THE FIRST BUDGET MEETING ON SEPTEMBER 7TH**

AND THE SECOND BUDGET MEETING ON SEPTEMBER 20TH.

COUNCIL COMMENTS

Councilor Weldon stated there were just as many if not more people opposed to having to boats and recreational vehicles parked on properties as there were people who would like to parked on their property. He asked Council not to fall prey to the objections regarding parking of boats and recreational vehicles on residential properties. He felt this was an essential part of making neighborhoods livable for everyone.

Mayor Pruette stated she was happy the city was working with the property owners regarding parking of boats and recreational vehicles by allowing them time to seek other options.

Councilor Weldon felt complainants should not have to be named. He could understand why neighbors in conflict with another neighbor would not want to be identified.

City Manager Jarboe stated parking boats and recreational vehicles visibly on residential properties lowered property values in the neighborhood.

Mayor Pruette stated several years ago Council was receiving e-mails and letters anonymously. Councilor Weldon stated the City Attorney advised the letters and e-mails did not have to be signed.

Councilor Tucker stated she would be attending the Florida League of Cities conference in Hollywood, Florida next week. She would be using her personal money.

Councilor Weldon stated historically the city paid for all members of the Council to attend the annual Florida League of Cities Conference. The city has given that up as a cost saving measure and he apologized that Councilor Tucker had to pay for this herself.

Mayor Pruette stated the city also used to pay to better educate the board members.

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

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____