



**MINUTES**  
**WORKSHOP CITY COUNCIL MEETING**  
**APRIL 19, 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 April 19, 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 Eric Pardee  
Councilor Kara Tucker  
Councilor John Weldon  
City Attorney Chris White  
City Manager Jim Jarboe  
City Clerk Lisa Volpe, CMC

Senior Activity Director Leslie Lyne  
Deputy City Clerk, Karla Strait, CMC  
Director of Public Safety David Sembach

Call to Order/Roll  
Call

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

**PRESENTATIONS**

Chief Sembach presented the 2009 "Officer of the Year" award to Brian Waldrep.

Mayor Pruette presented a Proclamation to Ruth Carrin proclaiming Saturday, April 24, 2010 a "Day of Service" for "Helping Hands and Linking Arms" to fill the blood and food banks.

Mayor Pruette presented a Proclamation to City Clerk Lisa Volpe recognizing April 20, 2010 as the 40<sup>th</sup> anniversary of her birth.

**CITY MANAGER'S ACTION LIST**

City Manager Jarboe reported on the following:

- The air conditioning for the Publix building was recently jointly inspection by the City of Jacksonville and the City of Neptune Beach. The construction should be completed this September.
- New traffic signals were being installed in preparation for the repaving of Third Street.
- Finance Director Steve Ramsey had surgery and should return to work by

June 1<sup>st</sup>.

**PUBLIC COMMENTS**

Michael Aston, 1523 Summer Sands Drive, stated he wrote a letter to Mr. Blaylock, Jacksonville Transportation Authority Chairman, regarding the dirt mound in the intracoastal. He urged Council to do whatever they could to have the dirt mound removed.

**PROPOSED ORDINANCES / NONE**

**CONTRACTS / AGREEMENTS**

Waste Pro

**WASTE PRO CONSUMER PRICE INDEX ADJUSTMENT:** City Manager Jarboe explained Waste Pro was requesting a 2.3% increase based on the (CPI) Consumer Price Index. He met with City Attorney White and it was determined the increase was not mandatory due to conflicting language in the contract.

City Attorney White explained based on the ambiguity of the contract the question to the Council was whether or not they felt Waste Pro deserved a 2.3% increase

Councilor Weldon stated he supported the decision of the City Manager and City Attorney. He felt the rate should remain as is.

Councilor Tucker agreed the rate should remain as it is currently.

Vice Mayor Lee stated he had an issue with the contract from the beginning. He did not see any reason to allow the increase.

Councilor Pardee stated he has not had any problems with the service. However, he would go along with the majority to have the rate remain as is.

Mayor Pruette stated she heard a lot of good comments and quite a few negative comments regarding the service provided by Waste Pro. She would go along with the consensus for the rate to remain as is.

Consensus: **NOT TO MOVE FORWARD.**

**ISSUE DEVELOPMENT**

Surf Camp

**3<sup>RD</sup> ANNUAL NEPTUNE BEACH SURF CAMP – JUNE 14 – JULY 16:** Mayor Pruette explained this would be the 3<sup>rd</sup> Annual Neptune Beach Surf Camp which has raised money for the Senior Center.

Councilor Weldon asked Senior Activity Center Director Leslie Lyne if the center made any money from the event. Ms. Lyne responded the event raised approximately \$2,000 each year.

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

Beaches 5K Run

**NEPTUNE BEACH SENIOR ACTIVITY CENTER – SECOND ANNUAL BEACHES 5K RUN & 2.5K WALK – JUNE 19:** Mayor Pruette stated this was a great event that also raised money for the Senior Activity Center.

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

## McCall's Site

MCCALL'S SITE – ENVIRONMENTAL ISSUE: City Attorney White explained the Council previously adopted a Resolution designating the old McCall's property on Atlantic Boulevard a Brownsfield. The Brownsfield designation allows for state funds to be used to remediate the contaminated property. The final agreements were being prepared and the remediation work will begin once the agreements are signed.

Mr. White recommended the City sign a 'Restrictive Covenant' related to the Lemon Street right-of-way. The Restrictive Covenant would require the property owner to incur any expenses related to soil removal in the right-of-way.

Council Weldon questioned if the City should not be more concerned about the soil contamination. City Manager Jarboe responded the City had to rely on the Department of Environmental Protection regarding the soil contamination.

Consensus: **TO ALLOW THE CITY ATTORNEY AND THE CITY MANAGER TO MOVE FORWARD AND BRING THE FINAL DOCUMENTS BACK TO THE COUNCIL.**

## Agenda Order

AGENDA DISCUSSION: Mayor Pruette explained she had been allowing Council members to make comments at the end of the Council meetings. She felt the public should be notified that there would be comments at the end of the meetings and asked to place "Council Comments" as an item at the end of the meeting agendas.

City Clerk Volpe stated it may be necessary to adopt a Resolution regarding the order of the agenda and she would prepare one if necessary.

City Attorney White cautioned the Council not to allow comments to become a discussion or debate because it would not have been considered properly noticed as an agenda item.

Consensus: **TO ADD COUNCIL COMMENTS AT THE END OF EACH MEETING AGENDA.**

## Water Resolution

RESOLUTION 2010-XX: A RESOLUTION OF THE CITY OF NEPTUNE BEACH, FLORIDA OPPOSING CREATION OF STATEWIDE WATER AUTHORITY, WEAKENING CHAPTER 373 AS RELATED TO "LOCAL SOURCES FIRST" POLICY, OR TO MAKE ANY OTHER CHANGE TO CHAPTER 373 THAT COULD PUT NORTH FLORIDA'S SURFACE WATERS OR THE FLORIDA AQUIFER AT RISK BY THE TRANSFER OF NORTH FLORIDA WATER TO CENTRAL OR SOUTH FLORIDA.

Mayor Pruette read a letter that was received from the St. Johns River Keeper in support of the Resolution.

City Manager Jarboe stated he spoke with a representative of the St. Johns River Water Management District and they also supported the Resolution.

Councilor Pardee stated after doing research and reading Chapter 373, he would also support the Resolution.

Vice Mayor Lee supported the Resolution.

Consensus: **TO FORWARD THE RESOLUTION TO THE REGULAR MAY MEETING.**

## F.I.N.D. Island

F.I.N.D. ISLAND: City Manager Jarboe explained two years ago the city received a lot of phone calls regarding the construction of a roadway on the marshland. Building Official Don Ford investigated the construction and placed a stop work order on the project because it had not been through the city's permitting process. Shortly thereafter it was discovered the project belonged to the Jacksonville Transportation Authority. It was then determined because JTA had a relationship with the Florida Department of Transportation and it was a highway project they did not need to go through the city's permitting process. However, the project was delayed because JTA did not have a permit to construct the roadway from the Army Corp of Engineers.

Because of the delay JTA did not have the funds to barge the dirt away and they were allowed to use half of the dirt for a marshland and build a 30 foot pile of dirt with the other half. JTA placed grass seed on the dirt mound however due to lack of water the grass did not grow. Shortly thereafter some firemen decided to place a 911 memorial with a flag on the top of the mound.

City Council members met with representatives of JTA regarding the city's concerns about the dirt mound. Another meeting was held four weeks later and JTA still did not have a plan of action for removing the dirt mound. They did offer some options for the removing the dirt mound but they did not have funding. During the meeting Michael Blaylock, indicated he would ask the Board to provide funding towards those options.

Councilor Pardee stated he was not aware that the dirt mound was a permanent structure until the Council meeting with JTA. He asked City Attorney White if the City was liable for the dirt mound. City Attorney White replied the City did not have any liability for the dirt mound. City Manager Jarboe stated even though it was not city property the city was still liable and a law suit would cost the city at least \$5,000 to defend. Councilor Pardee felt if JTA had been allowed to construct the roadway, as originally planned, the dirt mound would not be there and the City would not be in this predicament.

## For the Record

City Manager Jarboe stated the Army Corp of Engineers was responsible for stopping the construction of the roadway.

Vice Mayor Lee stated having a 30 foot dirt mound in the intracoastal was not acceptable. He added it was not the original intent of JTA to build the dirt mound. He felt the City needed to cooperate with JTA to solve the problem. He questioned how this was allowed to take place without any notice or knowledge to our City.

Councilor Tucker agreed the City should continue to work with JTA to have the dirt mound removed.

Councilor Weldon stated the City should cooperate with JTA, however, JTA also needed to cooperate with the city. He felt the City of Neptune Beach needed to look at all legal recourses and the City Attorney needs to study exactly what the sequence of events was that led to our petition to stop or regulate the project being terminated. The city also needed to investigate the role of the Florida Inland Navigation District, the St. Johns River Water Management District, and the Army Corp of Engineers.

Mayor Pruette stated she would like the City Attorney to investigate if JTA and ACOE complied with public notice requirements regarding permits because the city was not notified about the project. She felt other agencies should communicate with the city when they were doing anything within our city. She asked City Manager Jarboe to draft a Resolution to the JTA

City of Jacksonville Councilman Art Graham introduced Michael Mesiano, the FIND representative and asked him to address the Council.

Michael Mesiano, Duval County Commissioner for the Florida Inland Navigation District, explained he explained FIND sold the property to JTA to use as mitigation for the salt marsh impact for the Wonderwood Expressway. Once a permit was issued JTA recognized it would be too expensive to remove the dirt so the permit was modified to allow them to build the dirt mound.

Mr. Mesiano added JTA was actively pursuing more salt marsh mitigation and this is good time for the city to put pressure on JTA to remove the dirt mound because the SJRWMD would give JTA creation credit if they remove the dirt.

Councilor Weldon asked Mr. Mesiano if he had ever seen mitigation end up as a dirt mound. Mr. Mesiano replied he has only seen this result in a forested setting on a temporary basis, where it was obscure.

Councilor Pardee asked Mr. Mesiano if a temporary road was built to the site, would they be able to remove the dirt and restore the site to its original state without damaging the marshland. Mr. Mesiano replied that could be done and if there was someone that needed the dirt for fill material that would be the best option for removing the dirt mound.

City of Jacksonville Councilor Art Graham stated he would be meeting with Michael Blaylock, Director of Jacksonville Transportation Authority, tomorrow and asked Council what they wanted him to convey to the JTA.

Consensus: **TO CONVEY TO JTA THAT THE NEPTUNE BEACH CITY COUNCIL WANTED THE DIRT MOUND REMOVED.**

Adjournment

There being no further business, the meeting adjourned at 7:25 pm.

\_\_\_\_\_  
Harriet Pruetten, Mayor

Attest:

\_\_\_\_\_  
Lisa Volpe, CMC, City Clerk

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