



**MINUTES
WORKSHOP CITY COUNCIL MEETING
JUNE 21, 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 June 21, 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

Director of Public Safety David Sembach

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:

- He will be forwarding a Resolution to the July regular meeting regarding funding from FDOT for maintenance on A1A from FDOT.
- The new Publix Super Market should be open by mid August.
- The Florida Department of Transportation continues to work on repaving Third Street and Atlantic Boulevard.
- Finance Director Steve Ramsey is coming into the office three half days per week.
- The State has not released the guidelines for the 2030 Plan.
- Starbucks has a development application for an overhang going before the Planning & Development Review Board.
- The in pipe technology is working extremely well.
- Public Services is working on the force main from Bal Harbour to the main on Florida Boulevard.
- Public Services is working on the sewer crossover near Fletcher high School.

Councilor Weldon asked if the monument sign being installed at Blockbusters had been approved for a permit. City Manager Jarboe replied the monument sign was part of the development order.

Councilor Weldon questioned why the manhole covers disappeared on A1A. City Manager Jarboe explained FDOT has to come back and do them. They basically used satellite technology to figure where the manholes are and they are required to do that. We actually paid for that, it was approved last year. One of the problems of why it is so slow right now is someone went into the yard they were using on Atlantic Boulevard and stole all the manhole covers. The company that stored them will have to pay for them. There were about 15 of them. The thief was caught. They would be installing new manhole covers.

Councilor Pruette confirmed with City Manager Jarboe that the FDOT would clean up the property around the water plant where they have torn up the landscaping and put back as it was before they tore it up.

Vice Mayor Lee stated he read somewhere the DCA budget was cut by the State. City Manager Jarboe replied the DCA budget sunsetted and it was not reauthorized by the State.

Vice Mayor Lee asked if the construction crews would be cleaning up the storage sites around the Water Plant. City Manager Jarboe answered yes. He has met with the FDOT in relation to the issue.

Councilor Weldon asked when the new crosswalks would be installed. City Manager Jarboe explained once the repaving is complete on A1A the new crosswalks will be installed.

PUBLIC COMMENTS

Ed Jones, 200 First Street, President of the Town Center Agency, stated the Town Center Agency Board approved a contribution of \$3,250.00 to JTA towards the operation of the Trolley.

Consensus: **TO FORWARD THE FDOT RESOLUTION TO THE JULY CONSENT AGENDA.**

PROPOSED ORDINANCES

Ord. No. 2010-11

ORDINANCE NO. 2010-11, AMENDING WATER AND SEWER CHARGES: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING ARTICLE IV. WATER AND SEWER CHARGES, SECTION 23-88 ADDITIONAL CHARGE FOR DELINQUENT PAYMENT, AND SECTION 23-89 NOTICE OF PROPOSED TERMINATION OF SERVICE; ADMINISTRATIVE HEARING; DISCONNECTING SERVICE OF FAILURE TO PAY CHARGES; RECONNECTING FEE; SECTION 23-90 IMPACT FEE REVENUE RESTRICTIONS AND SECTION 23-105 BILLING AND PAYMENT AND PROVIDING AN EFFECTIVE DATE.

Councilor Weldon stated he is concerned about shutting off utilities without giving notice.

Vice Mayor Lee stated second notices were just now being sent out. City Manager Jarboe explained he came across the issue in the Code about six weeks ago and implemented the second notices. Since the second notices have been sent out there

has been less late payments.

Mayor Pruette stated the bill used to be printed on a little card and now the bills are printed and stuffed into an envelope along with a return envelope. She question if it would save the City money to go back to using the card. City Manager Jarboe stated the new bills were generated from the new software system and card were easily lost by the post office.

Councilor Pardee suggested continuing to do so for a while longer before considering a change to the Ordinance.

Consensus: **TO CONTINUE SENDING OUT SECOND NOTICES AND NOT SEND TO ORDINANCE 2010-11 SECOND READ.**

Immobilizing
Vehicles

ORDINANCE NO. 2010-XX, ADDING SECTION 22-5 IMMOBILIZING OF VEHICLES: AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA, ADDING SECTION 22-5 IMMOBILIZING OF VEHICLES AND AMENDING 22-26 SCHEDULE OF STREETS, DISTRICT AND ZONES AND PROVIDING AN EFFECTIVE DATE.

City Manager Jarboe explained this ordinance would allow the Police Department to place an immobilizing device on vehicles with three or more outstanding parking tickets.

Mayor Pruette questioned if officers were legally able to enter private property if necessary. Chief Sembach stated he did not think officers could legally enter private property to place the immobilizing device on a vehicle. City Attorney White suggested if Council approves the ordinance it should be an enforcement issue for the Chief of Police.

Vice Mayor Lee questioned if unpaid parking tickets was a major concern. Chief Sembach replied unpaid parking tickets were not a huge problem in the city however there is a problem on First Street. Currently there is no recourse to collect on unpaid parking tickets.

Mayor Pruette asked how much the immobilizing device would cost. Chief Sembach responded the most expensive one is \$700.00 and it would pay for itself in a matter of time.

Councilor Pardee stated the immobilizing devices were used in downtown Jacksonville. He asked if there was a time period that vehicles would be towed if the owner did not pay to have the device removed.

Councilor Tucker stated she has seen this system in place at the university and downtown.

Councilor Weldon agreed to sponsor the ordinance.

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

Drive Thru
Windows

ORDINANCE NO. 2010-XX, AMENDING SECTION 27-227 SPECIAL RESTRICTIONS AND CONDITIONS, DRIVE THRU WINDOWS: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 27 UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE IV, LAND USE, SECTION 27-227 SPECIAL RESTRICTIONS AND CONDITIONS ON ALLOWABLE USES WITHIN ZONING DISTRICTS, ARTICLE IV,

LAND USE, TABLE 27-226-1 PERMISSIBLE USE AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette explained this ordinance suggested adding language that would clear up any discrepancies in the Code regarding drive thru windows. There was questions at the last council meeting by council about this.

Vice Mayor Lee stated the interpretation of the Code regarding "Drive Thru Windows" created a question regarding the orientation of a building.

Mayor Pruette added that some members of council felt there were questions from members of the Planning & Development Review Board. She did not but thought it needed to be discussed. She introduced Chairman of the Planning and Development Board Kerry Chin and asked if he wanted to speak.

City Manager Jarboe recommended amending Section 27-227(4)f as follows: Drive thru windows shall be located ~~to~~ towards the rear of the building, ~~facing away from~~ not facing the principal abutting thoroughfare.

Vice Mayor Lee stated there was confusion because on some buildings the "drive thru" was not located on the back of the building. Mayor Pruette responded the Code did not say the drive thru window had to be in the back, the Code says it has to be to the rear. City Manager Jarboe stated that it why it needed to be clarified.

Mayor Pruette added drive thru windows should be by special exception only.

Councilor Weldon felt the focus should be on "the adjacent thoroughfare" not "what is considered the rear of the building". The rear of the building can vary depending on the design. The issue is that we do not want traffic backing up at a drive thru window into a main thoroughfare. He did not object to allowing drive thru windows on the side of buildings as long as there was sufficient distance from the main highway.

Councilor Pardee suggested the following amendment: "drive thru windows shall be located facing away from the principle abutting thoroughfare to the rear of the building."

Mayor Pruette clarified the issue with a quote from an e-mail sent out from Councilor Pardee. "After I and Vice Mayor Lee questioned the planning chair we found out they denied it because they were not sure and wanted the council to help decide. They voted 6 to 1 to deny it. If you do not think that something fits our community you need to have that put into the code before you enforce it on someone not after. Our code allows liquor stores and it allows drive thrus. To make a case that this should come under fast food and that it should be restricted to the back of the building and no other currently or previously approved project is like that is just not valid. Safety issues are also a concern. After the motion was made the Assistant Police Chief gave a report there were no concerns". Mayor Pruette stated she would like to clean up the language so that some of the issues Councilor Pardee brought up can be addressed.

Councilor Weldon suggested the following amendment: All drive thru facilities shall be located to the side or rear of the building away from the principal abutting thoroughfare.

Councilor Pardee asked City Attorney White for his opinion on the amendment. City Attorney White stated that language would work.

City Manager Jarboe recommended adding that the final decision on the placement of the drive thru window will be made at the approval of the development order by the

Council. City Attorney White replied that language was not necessary.

Councilor Weldon suggested the final amendment read as follows: All drive thru facilities shall be located to the side or rear of the building away from the principle abutting thoroughfares by special exception.

Consensus: **TO MAKE THE FINAL RECOMMENDED CHANGES AND FORWARD TO JULY REGULAR MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Budget Concerns

BUDGET CONCERNS: City Manager Jarboe stated he had a number of suggestions to reduce the City budget and enhance revenue. Some of those suggestions have already been implemented by the Council. The remaining suggestions include;

- 1) Combine the Planning & Development Review Board with the Board of Appeals. This would save approximately \$3,000.
- 2) Moving the Code Enforcement Board meetings to a daytime hour and having a magistrate. This would save approximately \$1,200.
- 3) Implement a charge right-of-way permits.
- 4) Implement a Utility Tax on electricity.
- 5) Renegotiate cost of uniforms for public service employees.
- 6) Dropping the motorcycle contract saving \$2,000.
- 7) Reduce city services by cutting staff.
- 8) Install a solar farm behind the K-mart Shopping Center.

Councilor Weldon voiced concern regarding public service employees not being clearly identified so they did not threaten residents. City Manager Jarboe replied instead of a full uniform they would wear a city t-shirt and/or a city jacket.

Councilor Weldon stated the only responsible way to substantially reduce revenues is to consider what minimum level of service the City is willing to accept. Once that is determined the city needed to respond with ideas to increase revenue. He felt the utility tax was a good source because it would spread the cost to renters, not just property owners. He also felt combining the boards would reduce cost as well as increasing the pool of qualified individuals to fill the positions.

Councilor Tucker stated she would agree to combine the boards. She did not like the idea of moving the Code Enforcement Board meeting to the day. She would consider allowing flexible hours for employees so the city would not have to pay for overtime.

Councilor Pardee felt combining the boards was a good idea. He agreed with implementing a right-of-way permit fee. He opposed a utility tax. He felt reducing the costs of public service employee uniforms was a good idea.

Councilor Pardee asked if the city could discontinue paying the annual employee safety bonuses. City Manager Jarboe responded that would be a consideration at the union negotiating meeting.

Vice Mayor Lee asked City Manager Jarboe to verify the timeline for the budget. City Manager Jarboe responded the State should verify the property tax revenue on July 1st. Each department will give him their budget and he in turn will present a budget to the Council and a budget meeting will be noticed.

Vice Mayor Lee asked City Manager Jarboe what he thought the difference would be

between revenue and expenditures. City Manager Jarboe responded the water and sewer fund revenue was down \$500,000. Water and sewer revenue will also be lower due to the number of unoccupied apartments and houses and water conservation. State revenues would also be lower due to a 5% decrease in property appraisals. There will be a decrease in revenue from Jacksonville Beach based on billable hours on electricity. The City of Jacksonville has implemented a tipping fee that will amount to approximately \$200,000.

Vice Mayor Lee agreed the city should determine a minimum service level. He suggested reconsidering the sanitation service contract.

Councilor Weldon suggested directing staff to provide an updated list of considerations and the Council could determine what is essential and the amount of decrease in services they are willing to accept. City Manager Jarboe stated he would need to wait until he received the revenue figures. He added that the only two items that would have an impact on the budget were implementing a Utility Tax or reducing staff.

Vice Mayor Lee stated the Jacksonville tipping fee would also have a big impact on the budget.

Mayor Pruette felt there was a consensus for combining the Planning & Development Review boards and considering a magistrate for the Code Enforcement Board. She would place in on the July workshop meeting for further discussion.

City Manager Jarboe stated he would draft an ordinance for discussion.

Consensus: **FORWARD TO THE JULY WORKSHOP.**

Process of Debate

PROCESS OF DEBATE OF DEVELOPMENT ISSUES: Councilor Pardee did apologize for making it personal in his emails and voiced concern regarding motions being made immediately after the introduction of an agenda item. He felt applicants for development orders and appeals should be given time to speak before a motion is made by Council.

Mayor Pruette stated when a recommendation is made for a development order Roberts Rules of Order calls for a motion, whether it be a positive or negative recommendation to be laid on the floor, and seconded, before discussion. The applicants were able to speak after the motion and conversation was carried on for over thirty minutes. She added for the record that she would never deny anyone the ability to speak.

Councilor Weldon felt it put the applicant or appellant under a lot of pressure when a motion is made before they get to present their case. He felt it was courteous to allow the applicant or appellant to introduce a presentation.

City Attorney White stated if the applicant is allowed to make a presentation a dialogue commences between the Council and that person and the Council is engaging in a discussion. If that happens before the motion that would not follow Robert's Rules of Order.

Councilor Weldon stated in the past we have allowed the applicant or appellant to speak and the Council to ask questions before a motion has been made and it has worked well.

Councilor Pardee agreed it is a matter of courtesy to allow the applicant to speak

before making a motion to approve the recommendation of the Planning & Development Review Board.

Mayor Pruette stated she has worked to follow the Roberts Rules of Order since the Council adopted them a year and a half ago. She will call on the applicant first if that is the desire of the Council.

Councilor Weldon stated he appreciated Mayor Pruette paying attention to the organization of meetings. It makes the meetings shorter and more efficient. But he would like the applicant to speak first. Mayor Pruette stated she would call on the applicant before a motion is put on the table.

Pardee stated he did not realize the council was under the Robert's Rules of Order. Mayor Pruette reminded him it was he that wanted to adopt the rules and it was the Mayor that sponsored the ordinance.

JTA Trolley

JTA BEACHES TROLLEY: Jacksonville Transportation Authority has requested a contribution of \$2,500 to maintain the trolley service. Jacksonville Beach has contributed \$4,000 and Atlantic Beach has contributed \$2,500. Mayor Pruette felt Neptune Beach should make a small donation to show support.

Councilor Tucker explained the money would come out of the Special Event Fund and she would agree to a donation between \$500 and \$1,000.

Councilor Weldon supported a contribution of \$1,000. He felt any less than that amount would be trivial.

Vice Mayor Lee stated he was comfortable with a \$1,000 contribution.

Councilor Pardee stated it was his understanding the trolley did not stop anywhere in Town Center. He would not support giving J.T.A. a contribution for the Trolley if there was not a stop in Town Center.

Councilor Weldon stated they could make the donation and insist the trolley stop in Town Center.

Councilor Pardee supported a \$500 donation.

Mayor Pruette stated she would support between \$500 and \$600 and Councilor Tucker said she would support between \$500 to \$1,000. Councilor Weldon stated Councilor Tucker was the swing vote.

City Manager Jarboe explained the money would not come out of property taxes. The Special Event Fund was money given to us by the sanitation company to be used for special event.

Vice Mayor Lee, Councilor Weldon and Councilor Tucker agreed to a \$1,000 contribution.

Consensus: **TO CONTRIBUTE \$1,000 TO THE JTA TROLLEY.**

PORF Board

POLICE OFFICERS RETIREMENT BOARD: City Manager Jarboe explained Donald Padgett, CPA, had recently moved out of the city and resigned from the Police Officers Retirement Fund Board. The Police Officers Pension Board consists of five members. Two of the members are appointed by the City Council, two are elected by the by the police officers and the fifth is selected by the Board. The member that is

selected by the Board is not required to live in Neptune Beach. Therefore the Board has requested the Council appoint Carl Hashey. He would resign as the member selected by the board thus allowing the Board to select Donald Padgett.

Mayor Pruette asked how long Donald Padgett has been a member on the Board. City Clerk Volpe stated Donald Padgett has served on the PORF Board since 1990.

City Attorney White advised the member at large is elected by the board members and did not have to be a resident of Neptune Beach. There is no cap on how long a member could serve on the Board.

Councilor Weldon felt this was a good opportunity for Council to focus some attention on the pension board and recognize the liability the City has in the pension plan.

Consensus: **FORWARD TO THE JULY REGULAR MEETING AND APPOINT CARL HASHEY TO THE PORF BOARD.**

COUNCIL DISCUSSION

Councilor Pardee stated he spoke with fireman Skip and he supports allowing the flag to remain in the marsh area after the spoil hill has been removed.

Mayor Pruette stated she was going to prepare a letter to the Army Corp of Engineers to expedite the permitting process for JTA.

Councilor Tucker questioned if the JTA Beaches Trolley was going to be year round. City Manager Jarboe replied the Beaches Leader did an article on the issue and JTA was considering a year round Trolley.

Vice Mayor Lee congratulated Senior Activity Center Director Leslie Lyne on the success of the Beaches 5K Run.

Adjournment

There being no further business, the meeting adjourned at 8:00 pm.

Harriet Pruette, Mayor

Attest:

Lisa Volpe, CMC, City Clerk

Approved: _____