

MINUTES
REGULAR CITY COUNCIL MEETING
JANUARY 5, 2015, AT 6:51 P.M.
CITY HALL, 116 FIRST STREET,
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Regular Meeting of the City Council of the City of Neptune Beach was held January 5, 2015, at 6:51 p.m. in the City Hall Council Chambers, 116 First Street, Neptune Beach, Florida.

Attendance

IN ATTENDANCE:

STAFF:

Councilor Richard Arthur
Vice Mayor John Jolly
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk, Karla Strait, CMC

Director of Public Safety David Sembach
Building Official Don Ford
Code Enforcement Officer Tom Vogel

ABSENT:

Mayor Harriet Pruette

Order Call/Pledge

Vice Mayor Arthur called the meeting to order at 6:51 p.m., following the workshop meeting.

AWARDS / PRESENTATIONS/ RECOGNITION OF GUESTS / NONE

APPROVAL OF MINUTES

Moved by Tucker, seconded by Jolly.

Minutes

Motion: **TO APPROVE THE FOLLOWING MINUTES:**

DECEMBER 1, 2014, WORKSHOP CITY COUNCIL MEETING
DECEMBER 1, 2014, REGULAR CITY COUNCIL MEETING
DECEMBER 2, 2014, SPECIAL CITY COUNCIL MEETING

Roll Call Vote:

Ayes: 4 – Jolly, Tucker, Wiley, Arthur
Noes: 0
Absent: 1 – Pruette

MOTION CARRIED

CITY MANAGER REPORT

City Manager Jarboe reported on the following:

- The contractor will soon begin the process of filling in the cracks in the roads. In about 60 to 90 days they will be back to start the overlay.
- He asked Building Official Don Ford to introduce the new part time code enforcement officer.

Building Official Don Ford introduced Tom Vogel, the new part time code enforcement officer. Mr. Ford explained Mr. Vogel is a graduate of Jacksonville University and worked for the City of Jacksonville. He felt Mr. Vogel was a good fit for the City and he has a lot of experience dealing with the public.

Tom Vogel, 1830 Sevilla Boulevard, Atlantic Beach, introduced himself and stated he was proud to become the new code enforcement officer.

Vice Mayor Arthur stated he felt Mr. Vogel was very well qualified for the position. Code enforcement requires a lot of knowledge and experience dealing with people. He felt Mr. Vogel had that experience.

Councilors Jolly, Wiley, and Tucker all welcomed Mr. Vogel aboard.

COMMUNICATIONS & CORRESPONDENCE

City Clerk Strait made the following announcements:

- The new training requirements for elected officials began January 1st. Council members are welcome to use the computer set up in the office to take the online class.
- Code Supplement No. 9 is in the publishing process and should be delivered by mid February.
- She will be attending a conference in downtown Jacksonville next week and will be out of the office Wednesday, Thursday and Friday. She will be available by phone if necessary.
- The Florida League of Cities monthly dinner meeting is being held at the St. Augustine Rod and Gun Club; if anyone would like to attend please let her know so she can RSVP. The cost is \$20.00 per person.

City Attorney Krechowski reported the following:

- The Florida Times Union is writing an article this week regarding tipping fees. They have contacted Mayor Pruette, City Manager Jarboe and himself for comments. It is his understanding that they did not receive a comment from the City of Jacksonville. He himself has not heard from the City of Jacksonville since October.

Vice Mayor Arthur asked if the City of Atlantic Beach had approved a settlement for tipping fees with Jacksonville. City Attorney Krechowski replied Atlantic Beach will be addressing the proposed settlement at their January 12th Commission meeting.

City Manager Jarboe added the proposed settlement agreement between Jacksonville and Atlantic Beach included the annexation of the property along Mayport Road fronting the Selva Marina Golf Course. The settlement will benefit Atlantic Beach because they will be able to collect the extra property tax revenue.

Vice Mayor Arthur questioned why there was no trash pickup on the south end of the Kings Road Bridge during the New Year's holiday. City Manager Jarboe responded the City of Jacksonville Beach did not unlock the gate to allow access for the trash truck and they will not give us a key. He has since spoken with Jacksonville Beach City Manager George Forbes to make sure that this does not happen again.

Vice Mayor Arthur asked if Waste Pro would be fined for not picking up the trash. City Manager Jarboe stated we could not impose a fine on Waste Pro because Jacksonville Beach is responsible for unlocking the gate. Vice Mayor Arthur asked if Waste Pro tried to contact anyone to unlock the gate. City Manager Jarboe replied they did try to contact someone, but no one was available because of the holiday. Vice Mayor Arthur asked if this happened very often. City Manager Jarboe replied, to his knowledge, this is the first time it has happened.

Councilor Jolly stated the newspaper also misled citizens about the trash pickup days during the holidays, which added to the problem.

Vice Mayor Arthur was concerned about the appearance of the Christmas lights put up on Third Street / A1A. He asked to be included in the decorating process next year. City Manager Jarboe explained the City was limited on funds and used the lights that we had and some that were left over from Town Center. Vice Mayor Arthur stated he would rather the City not put Christmas lights on Third Street if they were not going to be consistent with the Town Center Christmas lighting.

COMMENTS FROM THE PUBLIC

Leslie Lyne was concerned about the City Manager's contract. She felt the City Manager did a great job and she supported extending his employment contract.

Councilor Jolly stated he would like to thank Leslie Lyne and everyone involved in the Santa Ride-Around. Mrs. Lyne stated the Fletcher High School Band did a fabulous job and was a great addition this year. She would like for them to be involved every year.

CONSENT AGENDA / NONE

VARIANCES / NONE

ORDINANCES / NONE

OLD BUSINESS / NONE

NEW BUSINESS

City Manager
Contract

CITY MANAGER CONTRACT: Vice Mayor Arthur stated Council has the option to either extend the existing contract for another 180 days, or approve the revised contract presented by the City Manager along with the amendments discussed at tonight's workshop.

Councilor Tucker stated she supported approving the amended contract. She asked if it was necessary for Council to give notice to the City Manager to amend his contract.

City Attorney Krechowski advised if the amendments are mutually agreed upon, Council did not need to give notice to amend the contract. If Council wanted to amend the contract beyond what was discussed at the workshop earlier tonight, he would have to meet with the City Manager to find out if those amendments were acceptable to him.

City Manager Jarboe stated the consensus at the workshop was to forward the amended contract to the regular meeting for a vote.

Vice Mayor Arthur stated the revised contract presented tonight with the amendments made by the City Manager, plus the additional amendments discussed at tonight's workshop that remove Section 2.B. and amend Section 5. is what is now being considered for Council approval.

City Manager Jarboe indicated that under Section 8. Council did not have to conduct the performance evaluation by April 15th; they only needed to establish the criteria for the process before that date.

Councilor Jolly agreed to support the revised contract as amended at tonight's workshop.

Moved by Jolly, seconded by Wiley.

Motion: **TO APPROVE THE EMPLOYMENT AGREEMENT AS AMENDED ON JANUARY 5, 2015, AS PRESENTED TO COUNCIL IN THE PACKET ALONG WITH THE AMENDMENTS TO SECTION 2.B. AND SECTION 5.**

Roll Call Vote:

Ayes: 3 – Jolly, Wiley, Arthur
Noes: 1 – Tucker
Absent: 1 – Pruette

MOTION CARRIED

PUBLIC COMMENTS / NONE

COUNCIL COMMENTS / NONE

Adjournment

There being no further business, the meeting adjourned at 7:11 p.m.

Harriet Pruette, Mayor

ATTEST:

Karla Strait, CMC, City Clerk

Approved: 2.2.15





MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 5, 2015, 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 January 5, 2015, at 6:00 p.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance:

IN ATTENDANCE:

STAFF:

Vice Mayor Richard Arthur
Councilor John Jolly
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager Jim Jarboe
City Clerk Karla Strait, CMC

Director of Public Safety David Sembach
Building Official Don Ford
Part Time Code Enforcement Officer Tom Vogel

ABSENT:

Mayor Harriet Pruette

Call to Order &
Pledge

Vice Mayor Arthur called the meeting to order at 6:00 p.m. and asked Councilor Wiley to lead the Pledge of Allegiance.

City Manager
Contract

CITY MANAGER CONTRACT: Vice Mayor Arthur asked City Clerk Strait to read a portion of the memorandum from Mayor Pruette related to the City Manager's contract.

For the Record Due to the absence of the Mayor, City Clerk Strait read the following "for the record:"

"Unfortunately, due to a medical emergency I will be unable to attend tonight's meeting and would like to give my thoughts regarding two workshop items.

City Manager's Contract: The City Manager's contract is old and outdated. I believe we should give notice tonight that we are not going to renew the existing contract, but rather we will have the City Attorney and City Manager work on a new updated contract to present to Council."

Vice Mayor Arthur read the following memorandum from City Attorney Krechowski:

"Per the Mayor's request and in an effort to avoid confusion, this memo shall summarize the current status of the City Manager's existing Employment Agreement (hereinafter "Agreement") and briefly describe

the options available to the City Council.

The City Manager's Agreement is dated February 16th, 2004 and had a term of 5 years. Per Section 2.B. of the Agreement the term automatically extends for recurring periods of 180 days provided neither party gives notice of their desire to terminate the Agreement. The Agreement is set to extend for an additional 180 day period on January 16, 2015.

The Council has the following options at this time:

1. Do nothing and allow the Agreement to continue to automatically extend for another 180 day period on January 16, 2015.
2. Give written notice to the City Manager that the Council does not wish the Agreement to be extended. The Agreement sets forth a 180 day notice period. If such notice is given on January 5, 2015, the Agreement will terminate on July 4, 2015."

Councilor Tucker stated she would prefer to give the City Manager written notice to terminate his contract in 180 days and have the City Attorney and City Manager draft an updated contract.

Councilor Jolly explained the consensus at the previous meeting was to have the City Manager and City Attorney amend the contract and present those amendments to Council. That amended contract is in tonight's agenda packet. He suggested Council either accept the amended contract or take no action and continue with the existing contract.

City Manager Jarboe explained he amended Section 8.A. of the existing contract which allows Council to develop a performance evaluation process no later than April 15, 2015. There were no changes to Section 8.B. which allows Council to define goals and performance objectives.

Councilor Wiley questioned how the City Manager arrived at the termination date of September 16, 2017.

City Manager Jarboe replied he is planning to retire after September 16, 2017. He chose this date because it would provide time to adopt the 2017/2018 budget before a new City Manager is appointed. He felt, based on prior discussion that the major concern with the existing contract was the inability to perform a performance evaluation, which has been amended.

Councilor Wiley stated the City is currently dealing with some major issues, such as tipping fees and the Bal Harbour project. He supported the amended contract in the agenda packet adding in the performance evaluation process and a termination date of September 16, 2017.

Vice Mayor Arthur felt certain language in the 2004 contract was outdated. He was concerned the contract stated the employer had to give three months notice to terminate the contract and the employee had to give six months notice. He felt those should be consistent.

Vice Mayor Arthur asked City Attorney Krechowski if there have been changes in State law in relation to termination and severance pay since 2004. City Attorney Krechowski advised the only change is a cap on severance pay for public employees, which has been

reduced to 20 weeks.

Vice Mayor Arthur felt it was not good practice to continue an employment contract by automatically allowing 180 day extensions. He would like to give notice to terminate the existing contract and draft a new one, as opposed to adding new language to the existing one.

City Manager Jarboe suggested if the 180 day automatic extension was an issue, he would agree to strike out Section 2.B.. He did not plan on working beyond the expiration date of September 16, 2017.

Councilor Wiley asked if the automatic 180 day extension period could be changed to 90 days. City Attorney Krechowski advised the 180 day extension can be amended. The 20 weeks' severance cannot be amended because it is capped by Florida Statute. He asked Council to keep in mind that the existing contract will automatically renew on January 15, 2015.

City Manager Jarboe suggested amending the contract to remove Section 2.B. and amend Section 5 as follows:

Section 2. Term

~~B. In the event written notice is not given by either party to this Agreement to the other one hundred and eighty (180) days prior to the termination date as hereinabove provided, this Agreement, shall be extended on the same terms and conditions as herein provided, for an additional period of one hundred and eighty (180) days. Said Agreement shall continue thereafter for one hundred and eighty (180) day periods unless either party hereto gives one hundred and eighty (180) days' written notice to the other party that the party does not wish to extend this Agreement.~~

Section 5. Resignation

In the event Employee voluntarily resigns his position with Employer before expiration of the aforesaid term of his/her employment, then Employee shall give Employer ~~three (3)~~ six (6) months' notice, in advance, unless the parties agree otherwise.

City Attorney Krechowski advised he would like some time to review the proposed amendments. He did not want the City to eliminate their ability to terminate the contract prior to September 16, 2017. The direction was to create a contract that removed the automatic 180 day renewal so the City would be able to terminate the contract with no notice.

City Manager Jarboe responded the existing contract would allow Council to terminate the contract anytime before September 16, 2017.

Councilor Jolly stated striking out Section 2.B. would eliminate the automatic 180 day extension and it would no longer be an issue.

City Attorney Krechowski explained if Council chose to terminate the City Manager anytime before September 16, 2017, they would not have to give notice, but the City would be required to pay the 20 weeks' severance of salary, benefits, deferred compensation, personal leave, holidays, compensation time and other accrued benefits to that date.

Vice Mayor Arthur agreed to the amendment in Section 5, changing the termination notice from three months to six months to be consistent to both parties.

City Attorney Krechowski clarified, to be completely clear, that the City could still terminate the contract at any time, without any type of notice, but would have to compensate the City Manager 20 weeks of severance.

Vice Mayor Arthur stated removing Section 2.B. clarified the above statement made by the City Attorney. City Manager Jarboe replied "yes."

City Attorney Krechowski questioned if Council still wanted the City Manager to give 180 days' notice prior to his departure. Vice Mayor Arthur replied "yes", as indicated in Section 5.

Councilor Tucker stated it was her understanding, based on prior discussion and taking under consideration the Mayor's written comments that Council wanted to give 180 day's notice to terminate the existing contract allowing time for the City Manager and City Attorney to draft a new contract.

City Attorney Krechowski explained the contract Council is looking at tonight reflects changes made by the City Manager. The changes include a termination date of September 16, 2017, the date of April 15, 2015, to establish criteria for a performance evaluation, 20 weeks' severance pay, and his current address.

Vice Mayor Arthur felt if Council voted tonight to terminate the contract it would result in a tie vote and the motion would fail. He questioned if Council voted not to extend the contract would they still be bound for 180 days. If so, could a new contract be drafted during that 180 day period? City Attorney Krechowski explained if Council did not give notice tonight the contract would automatically extend for 180 days which would end on July 4, 2015.

Councilor Jolly supported the amended contract with the added language for the performance evaluation. He added if Council agreed to the amendments of the contract the City Manager could be terminated anytime without notice.

Councilor Tucker questioned if Council had to give 180 day's notice to amend the existing contract. City Attorney Krechowski replied the existing contract can be amended by mutual agreement.

Councilor Jolly asked City Attorney Krechowski to verify that the amended contract would allow Council to terminate the City Manager at anytime. City Attorney Krechowski replied under the existing contract Council can terminate him at anytime but would have to pay a severance of six month's salary and benefits. This amended contract reduces the severance amount to 20 weeks, which is now capped by the State. It also removes the 180 day automatic extension.

City Manager Jarboe felt this was the easiest way to accomplish the changes Council wanted to make to the contract, which included eliminating the 180 automatic extensions and adding provisions for a performance evaluation process.

CONSENSUS: FORWARD TO THE FOLLOWING REGULAR MEETING.

Food Trucks /
Town Center

FOOD TRUCKS / TOWN CENTER: Vice Mayor Arthur asked City Clerk Strait to read "for the record" the portion of the Mayor's memorandum regarding "Food Trucks."

For the Record

City Clerk Strait read the following "for the record:"

"Food Trucks: This is a subject that I had placed on the agenda to discuss allowing food trucks in Town Center. The recent events on private property at Slider's Seafood Grill and 200 First Street worked out really well. I would like to see us allow food trucks in Town Center not to exceed two per property owner, per month or other stipulations whatever you may come up with."

Vice Mayor Arthur felt since the Mayor requested this item be placed on the agenda, he would like her to be present to explain her position. He suggested forwarding this to the January 20, 2015, workshop meeting.

CONSENSUS: **FORWARD TO THE JANUARY 20, 2015, WORKSHOP COUNCIL MEETING.**

CEB / Magistrate

CODE ENFORCEMENT BOARD / MAGISTRATE: City Manager Jarboe explained the City's cost related to the Code Enforcement Special Magistrate has increased due to the Attorney General's ruling that the City can no longer collect fees for the cost of the magistrate from those found in violation of the Code. This ruling debates the City's cost of the magistrate verses returning to a citizen Code Enforcement Board. Mr. Jarboe stated the cost for the Special Magistrate during 2014 amounted to \$6,377.96. Because of the ruling the City can no longer recover that cost from persons found in violation. It would be less expensive to revert back to a Code Enforcement Board.

Vice Mayor Arthur questioned what the City's cost would be for a Code Enforcement Board. City Manager Jarboe replied the only cost to the City for a Code Enforcement Board is overtime for staff, which amounted to approximately \$1,000 to \$1,500 per year, depending on the length of the meetings.

Councilor Wiley stated the City had a Code Enforcement Board for many years. He felt the Special Magistrate presented more of a court type of atmosphere. He would like to find out how other cities handle code enforcement and how the citizens feel before making a decision.

Councilor Jolly asked City Manager Jarboe how our sister cities handled code enforcement. Mr. Jarboe responded Jacksonville Beach has a Special Magistrate and Atlantic Beach has a Code Enforcement Board.

City Manager Jarboe explained if a violation were to progress to the court level, it is better to have a magistrate, but there is the higher cost.

Councilor Jolly stated he was once a member on the Code Enforcement Board. The citizen board tried to do what was best for the City, but in many cases, it may not have been the legally correct action. He has seen some actions of the board that probably would not have stood up in court. He felt based on his experience the ruling of a Special Magistrate would be most likely to stand up in court.

Councilor Tucker stated she would prefer keeping the Special Magistrate.

City Attorney Krechowski stated his role in the code enforcement process has changed. He now presents the cases to the magistrate whereas before the Code Enforcement Officer would present them. When he was not presenting the cases, he was able to approve the magistrate's invoices. Since he is now presenting the cases he can longer do

that. Mr. Krechowski stated he was also once a member of the Code Enforcement Board and the board would spend hours discussing a noise violation. He felt the City should stay with a Special Magistrate verses returning to a Code Enforcement Board because there would be a better record if there was ever an appeal. He suggested the City may want to consider looking for a Special Magistrate that would better fit the City.

City Manager Jarboe stated a Code Enforcement Board verses a Special Magistrate would save the City approximately \$5,000 per year.

Vice Mayor Arthur agreed a Board would be a higher risk to the City. He felt using a Special Magistrate was a better process.

Building Official and Code Enforcement Officer Don Ford agreed a Code Enforcement Board could be tough on staff. He felt the magistrate system worked well and was more efficient.

Councilor Wiley questioned the outcome of the four 2014 cases. Mr. Ford replied the Special Magistrate ruled in the City's favor on all four case violations in 2014.

Councilor Jolly felt code violators would be more responsive knowing they had to appear before a Special Magistrate verses a citizen Board.

Building Official Ford stated he was in the process of preparing a yearend report of code enforcement issues. There were approximately 76 cases that ranged from garbage cans being left in the street, junk cars, grass cutting, illegal construction, etc.

CONSENSUS: **TO LEAVE THE CODE ENFORCEMENT MAGISTRATE AS IT IS AND MAYBE TAKE ANOTHER LOOK AT IT IN THE FUTURE.**

Adjournment

There being no further business, the meeting adjourned at 6:51 pm.

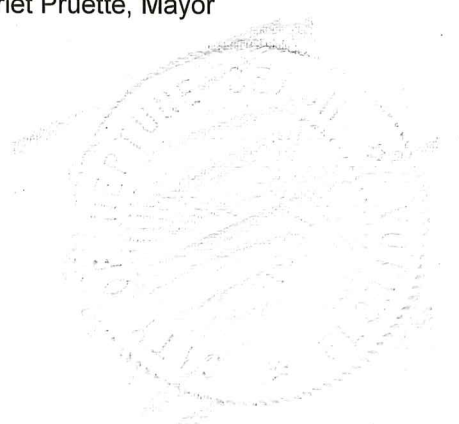
Harriet Pruet, Mayor

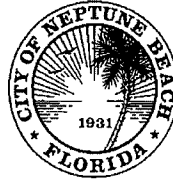
Attest:

Karla Strait, CMC, City Clerk

Approved:

2-2-15





**MINUTES
WORKSHOP CITY COUNCIL MEETING
JANUARY 20, 2015 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 January 20, 2015, 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 Richard Arthur
Councilor John Jolly
Councilor Kara Tucker
Councilor Scott Wiley
City Attorney Patrick Krechowski
City Manager James Jarboe
City Clerk Karla Strait, CMC

Director of Public Safety David Sembach
Director of Finance Steve Ramsey
Community Development Director Askew

**Call to Order/Roll
Call**

Mayor Pruette called the meeting to order at 6:00 p.m. and asked City Clerk Strait to lead the Pledge of Allegiance.

PRESENTATIONS / NONE

COMMITTEE REPORTS / NONE

CITY MANAGER'S ACTION LIST

City Manager Jarboe reported on the following:

- The road paving contractor has filled in the cracks in the streets and will begin the overlay process in March or April. He will be meeting with the Atlantic Beach City Manager regarding their cooperation to repair the streets in the Town Center area.
- There were 12 housing starts in the City last year, which is the most the City has had in the past 20 years. There are four new houses in the building process so far this year and one more in the permitting process, and it is only January.

Councilor Wiley asked the City Manager what was happening at the old McCall's site on Atlantic Boulevard. City Manager Jarboe replied Council declared the property a Brownsfield area some years ago and the owner is working on cleaning up the hazardous waste so the property can be developed.

CITY CLERK'S CONSENSUS LIST

City Clerk Strait stated she created a new agenda tracking list for 2015. The only unfinished business carried over from 2014 is "Food Trucks in Town Center" which is on tonight's agenda. At the November workshop there was a consensus of Council to have the City Manager meet with Greg Kupperman regarding "Directional Signs for Town Center." That is not on the list because there was no consensus to move it forward. Mayor Pruette thanked Ms. Strait for staying on top of agenda items and keeping Council informed.

City Manager Jarboe responded the Atlantic Beach City Manager withdrew their approval for the "Directional Signs in Town Center" so there was no need to move it forward.

PUBLIC COMMENTS

Ramsey Bakkar, 320 North First Street, Suite 706, Jacksonville Beach, felt the word "disrepair" needed to be defined in Section 4 of the sign Ordinance. Section 5 needed to address multi-use tenant signage. He advised that other counties such as St. Johns have eliminated sunset requirements for monument signs. The St. Johns County staff recommended the Planning & Zoning Agency allow nonconforming signs to remain until the sign needed to be replaced or substantially changed. It was approved by the Board and the recommendation has been forwarded to the Commission.

Clem Jones, 1476 Atlantic Boulevard, Ocean State Air Conditioning, felt nonconforming signs still in good condition should be grandfathered in. He would like to have an exception for his sign to remain where it is based on its location, otherwise it would not be seen from the street.

Beth Breeding, A&S Land Development, 10175 Fortune Parkway, Suite 1005, Jacksonville, representative for What-a-Burger, stated they currently have a single tenant pole sign. The only issue they have with conforming to a monument sign is the height limit. She explained the corner where the monument sign would have to be placed had obstacles that would obscure its line of sight, such as a JEA power pole, the JTA bus stop, and a JTA trash can. To lose the current pole signage would be detrimental to the business.

Rory Diamond, 120 Davis Street, felt it was fair for police officer retirees' to receive an extra retirement check this year because there is not a cost of living adjustment within the retirement plan. He also asked the City to conduct an analysis each year to determine if a 13th check could be given to the retirees.'

Carrie Manley, 10739 Deerwood Park Boulevard, representative for Neptune Village Shopping Center, stated her tenants relied on their signage for advertising. If they have to comply with a smaller monument sign the tenants businesses would suffer. She asked Council to consider leaving the trigger points for replacing nonconforming signs in place and eliminating the sunset date.

Shauna Moore, 696 Atlantic Boulevard, Aqua East, stated she received a quote of \$25,000 to replace the existing Aqua East pole sign with a new monument sign.

She felt it was ridiculous to spend \$25,000 to replace a perfectly good sign. She asked Council to keep the trigger points for compliance in place and to eliminate the sunset date.

PROPOSED ORDINANCES

Ord. No. 2015-01
Food Trucks

ORDINANCE NO. 2015-01, FOOD TRUCKS AT SPECIAL EVENTS / SPONSORED BY MAYOR PRUETTE: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 17, SECTION 17-48(5) FOOD TRUCKS AT SPECIAL EVENTS, AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette explained this Ordinance would allow food truck catering events in the Central Business District, once per month per property owner.

Vice Mayor Arthur asked if the event sponsor would still need to obtain a special event permit. City Manager Jarboe replied "yes."

Consensus: **FORWARD ORDINANCE NO. 2015-01, FOOD TRUCKS TO THE FEBRUARY 2, 2015, REGULAR COUNCIL MEETING FOR FIRST READ.**

Ord. No. 2015-02
Signs

ORDINANCE NO. 2015-02, SIGNS / SPONSORED BY COUNCILOR WILEY: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 27. UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE XV, ADVERTISING. SECTION 27-592. NONCONFORMING SIGNS. AND ARTICLE XVIII, NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS. SECTION 27-707. NONCONFORMING SIGNS AND PROVIDING AN EFFECTIVE DATE.

Councilor Wiley stated he did not support some of the recommendations and changes made to the Ordinance by the Community Development Board. He explained the requirement to replace pole signage with monument signage began in 2004 when the Land Development Code was revised with a sunset date for compliance within ten years, which ended in April 2014. He explained since 2004 Council members have changed and he was not aware of the provision until the deadline approached and businesses began to become concerned. A lot of businesses have since complied due to the trigger points of businesses being sold, transferred, or abandoned. Last year he sponsored Ordinance 2014-14 to remove Section 27-592(5) which would eliminate the sunset date. That Ordinance was sent to the Community Development Board for recommendations. The Board recommended putting Section 27-592(5) back into the Ordinance with a sunset date of December 31, 2017, which he did not agree with.

Mayor Pruette asked Community Development Director Askew to address the Council regarding the Board's recommended changes to the Ordinance.

Community Development Director Askew advised the language in the Ordinance marked in red text is the language recommended by the Community Development Board. The language in the blue text is the language carried over from Ordinance 2014-14 that was amended by the Council before the CDB recommended changes.

The major recommendation made by the Board was adding the sunset date of December 31, 2017. The Board also recommended language regarding abandoned signs having to be removed after 30 days or being subjected to a fine for violation.

Mrs. Askew stated the Board recommended Council review the language relating to multi-use tenant signage and rebranding of individual tenant signs within a multi-tenant sign, at a future date. City Manager Jarboe advised Council should task the Board with making recommendations in those areas. Mayor Pruetto agreed those areas needed to be addressed in the future. Ms. Askew explained due to the critical deadline, the Board did not want to hold up the Ordinance in regards to these issues but recommended the issues be reviewed at a later date once this Ordinance has been adopted.

Councilor Wiley stated the deadline of March 2, 2015 was approaching, after that date all standing pole signs will become nonconforming unless the Ordinance is amended. He would like to remove Section 5, regarding the sunset date of December 31, 2017.

Mayor Pruetto stated she supported the sunset date of December 31, 2017. She felt it would give businesses three more years to come into compliance. She added the Ordinance could be brought back up again during that period.

Vice Mayor Arthur felt the definition of the triggers for rebranding and multi-tenant uses needed more clarity. He supported letting the triggers take effect on nonconforming signs, removing the sunset date and discussing multi-use tenant signage at a later date.

Councilor Jolly felt the Community Development Board did a good job with the definitions. He supported the sunset date of December 31, 2017. He suggested moving forward with this Ordinance and asking the Board to make recommendations regarding multi-tenant signage at a later date.

Councilor Tucker supported Councilor Wiley in removing Section 5 that the Board recommended adding back with a sunset date of December 31, 2017. She also felt Council should continue to work with the Community Development Board in regards to multi-use signage.

Councilor Jolly recommended the following change to Section 4:

- Abandoned signs shall be ~~replaced or~~ removed only in accordance with Section 27-707 herein.

Vice Mayor Arthur stated having nonconforming pole signs replaced with monument signs due to trigger points, was not the same as them being grandfathered. It was not his intent to grandfather any existing pole signs.

City Attorney Krechowski advised the deadline of March 2, 2015, was approaching and he needed direction from Council.

Mayor Pruetto stated she could call a special meeting before the February 16th workshop to allow time to consider the suggested amendments.

Councilor Wiley agreed to forward the Ordinance to first read with Section 5 removed.

City Manager Jarboe asked Council to write down their suggested amendments and let him know so they could be incorporated into the Ordinance before the next meeting.

City Attorney Krechowski asked if Council wanted further recommendations from the Community Development Board on multi-use tenant signage for the February 2nd Regular meeting, if they wanted the Board to hold a Special meeting before the February 16th Workshop meeting, or would they prefer to address the multi-use tenant signage at a later date. Mayor Pruetto stated she would prefer to have a recommendation from the Board.

Councilor Jolly asked if the Ordinance needed two readings. City Attorney Krechowski replied "yes". He added if it were necessary Council could adopt the Ordinance on emergency read.

Councilor Jolly suggested moving the Ordinance forward with his recommended amendment to Section 27-592(4), passing the Ordinance at the February 2nd Regular meeting and forwarding it to another Workshop meeting before the March 2nd Regular meeting for second read.

City Attorney Krechowski asked if Council wanted the Ordinance on the February 2nd agenda for first read and then placed on the February 16th Workshop meeting to discuss the recommendations from the Board on the multi-use tenant signs.

Mrs. Askew stated the Community Development Board meeting is on February 18th, which would be after the Council workshop meeting on February 16th. She would have to ask them to have a Special meeting if Council wanted a recommendation prior to February 16th.

City Manager Jarboe stated if the Board holds a Special meeting Council could have a Special meeting on February 16th for first read.

City Clerk Strait advised the February workshop meeting will be held on Tuesday, February 17th, because that Monday, February 16th, is a holiday.

A lengthy discussion ensued regarding meeting dates:

Consensus: **AMEND SECTION 27-592(4) PER COUNCILOR JOLLY'S RECOMMENDATION AND FORWARD ORDINANCE NO. 2015-02, SIGNS, TO THE FEBRUARY 2, 2015 REGULAR MEETING FOR FIRST READ, FORWARD TO THE FEBRUARY 18, 2015 COMMUNITY DEVELOPMENT BOARD MEETING FOR RECOMMENDATIONS, FORWARD TO THE MARCH 2, 2015 WORKSHOP MEETING BEFORE THE MARCH 2, 2015 REGULAR MEETING FOR SECOND AND FINAL READ.**

Ord. No. 2015-03
PORF

ORDINANCE NO. 2015-03, POLICE OFFICERS' RETIREMENT SYSTEM / NO SPONSOR: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V, EMPLOYEE BENEFITS, DIVISION 4, POLICE OFFICERS' RETIREMENT SYSTEM OF THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH; AMENDING SECTION 2-349.1, BENEFIT AMOUNTS AND ELIGIBILITY; ADDING SECTION 2-349.26, CHAPTER 185 SUPPLEMENTAL BENEFIT – SHARE PLAN; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH AND PROVIDING AN EFFECTIVE DATE.

Mayor Pruette stated this is a very complicated Ordinance. She suggested City Attorney Krechowski draft an Ordinance to give all retirees' including the DROP officers' a one-time thirteenth check before December of this year. She would like to hold a Special Council Workshop meeting and ask the Police Pension Board members to attend the meeting to give Council a narrative. She felt the City owed it to the Citizens and the Police Department to take more time considering this Ordinance.

Officer Frank Cashman, Chairman of the Police Officers' Retirement Board, explained there is not a Cost of Living Adjustment (COLA) built into the retirement system. This Ordinance would create an annual thirteenth check for retirees' and a share plan for

active officers' using the premium tax rebate the City receives from the State each year. Half of the annual rebate would be divided among the retirees' and the other half would be divided between the active officers' and placed in a share plan each year. He added that 87 plans throughout the State had COLAS built into their system and 31 other cities have share plans for the active officers.' He was not sure if other plans offered retirees' an additional annual check, but according to the Board attorney, it is perfectly legal. He added if the State changes Statute 185.35 at anytime the extra check and the share plan will become void.

Mayor Pruette asked if the Board attorney has drafted a breakdown of the initial distribution. Officer Cashman replied the distribution would be based on each officer's number of years and months of service.

Vice Mayor Arthur voiced concern regarding the City's 1.7 million dollar liability towards the retirement plan. Officer Cashman replied the State money could not be used toward the City's liability. The Board has requested a letter from the actuary stating there was no additional cost to the City, but it has not been received.

Vice Mayor Arthur was also concerned about the initial distribution of the money and would like to have an actuary study conducted by the Board.

Vice Mayor Arthur stated he supported giving retirees' a thirteenth annual check. He was concerned about the long term obligation and agreed Council needed more time to study the Ordinance to insure it is done correctly.

Councilor Wiley stated he supported the retirees' 100% and would agree to give them a thirteenth annual check. The way the Board has it calculated it appears the thirteenth check for each retiree would amount to \$1,084.00.

Officer Cashman stated the State money the plan received last year amounted to \$26,002.00. Divided equally the retirees' would share half of that which would be \$13,001.

City Manager Jarboe explained the current plan was not equally divided between retirees' and active officers.' The retirees' would be receiving less verses the amount the active officers' would be receiving in their share plans.

Officer Cashman asked if Council wanted the amount of the thirteenth retiree check to be higher than their regular monthly pension check. Councilor Wiley felt it should be more than just an extra paycheck. He also felt the money was not being equally distributed if one retiree received \$800 a month, if that was the amount of his regular retirement check, and another receives \$1,000, per month if that is the amount of his regular check.

City Manager Jarboe stated the way the Ordinance reads the money would not divided equally between the active officers' and the retirees' and the retirees would not be receiving their fair share.

Councilor Jolly explained the City is currently contributing 40% of each dollar paid to an active officer to the pension plan. This year that amounts to \$350,000. There is a lot of discussion at the State level regarding pension reform. He felt the City should wait until after the State legislative session in June to take any action on the proposed ordinance. He would also like to see the money divided more equally among the retirees'. He recommended forwarding the Ordinance to the June workshop agenda.

Officer Cashman stated the legislation was introduced to the State the past two years and did not make it to the floor. City Manager Jarboe stated he has heard from our State Representative and others that more action was expected on the bill this year.

City Manager Jarboe stated the legislative session would not be out until June however, we could still have City Attorney Krechowski draft a new Ordinance giving the retirees' a one-time thirteenth check for this year and consider this proposed Ordinance at a future Special Council Workshop meeting.

Councilor Tucker agreed to give the retirees' a thirteenth check for this year and wait until after the legislative session to discuss the Ordinance further at a Special Workshop meeting. She would also like to see an actuary regarding how the money will be divided.

Mayor Pruette asked if there was a consensus to have the City Attorney draft an Ordinance giving the retired police officers', including officers' in the DROP, a thirteenth check this year and forwarding this proposed Ordinance to a future workshop.

Consensus: **TO FORWARD ORDINANCE NO. 2015-03 TO A FUTURE WORKSHOP MEETING ONCE WE KNOW MORE ABOUT WHAT IS GOING ON AT THE STATE LEVEL AND MEANWHILE HAVE THE CITY ATTORNEY DRAFT AN ORDINANCE TO GIVE POLICE OFFICER RETIREES' AND OFFICERS' IN THE DROP A THIRTEENTH CHECK FROM THE PREMIUM TAX MONIES.**

Ord. No. 2015-04
Public Notices /
Meetings

ORDINANCE NO. 2015 – 04, REGULAR COUNCIL MEETING DATES / NO SPONSOR: AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE II, CITY COUNCIL, SECTION 2-26. REGULAR MEETINGS AND PROVIDING AN EFFECTIVE DATE.

Vice Mayor Arthur agreed to sponsor this Ordinance.

City Clerk Strait explained the City is not required to advertise monthly Regular and Workshop Council meetings, in the newspaper, if the dates and times are established in the Code. This will save the City \$120.00 a month or \$1,440 per year. This also changes the time of the meetings from 7:00 pm to 6:00 p.m. to coincide with the actual meeting time.

Consensus: **FORWARD ORDINANCE NO. 2014-04, MEETING DATES, TO THE FEBRUARY 2, 2015, REGULAR COUNCIL MEETING FOR FIRST READ.**

CONTRACTS / AGREEMENTS / NONE

ISSUE DEVELOPMENT

Relay for Life

APPROVAL OF RELAY FOR LIFE / JARBOE PARK: Jenny Davis, Specialist, Relay for Life Florida Division, American Cancer Society, thanked Council for their support. She stated the division is in need of a major champion for the beaches' area, someone who is good at conversation, knows a lot about the mission and is willing to rally the relay for the beaches' area. Last year they did not have the Relay for Life in Jarboe Park because they did not have enough support or teams and not a lot of people were aware of the event.

Consensus: **FORWARD TO THE FEBRUARY 2, 2015, CONSENT AGENDA.**

Recycling Stations PROPOSAL FROM FUEL MEDIA HOLDINGS FOR SERVICE FOR PUBLIC RECYCLING STATIONS / COUNCILOR TUCKER: Councilor Tucker explained she wanted to bring up this recycling program to Council for discussion and consideration. She felt it may be an innovative way for the City to make a little money. She recognized the Sign Ordinance would have to be revised if the program were to be moved forward.

Patrick Mensi, FUEL Media Holdings, introduced himself to the Council.

Councilor Jolly questioned where the recycling stations would be located. Mr. Mensi replied there would be twelve stations. They would replace the containers that are currently located at the bus stops along Third Street and Atlantic Boulevard.

Councilor Jolly stated he was unsure how this program would save the City money. Mr. Mensi replied Media Holdings would pay for and install the stations. Councilor Jolly again questioned how this would save the City money because the City currently did not have any stations and therefore did not spend any money on them. Mr. Mensi answered the City would be saving money if they were to approve the program.

Mr. Mensi explained his company would advertise on the recycling stations and be responsible for collecting the recyclables. Councilor Jolly was concerned about overflowing containers and asked if they would be responsible for overflows. Mr. Mensi replied the telephone number of his company would be located on each bin to call if there were an emergency overflow.

Mayor Pruette felt the recycling stations with the advertisements would create visual pollution throughout the City. She stated the Council was in the process of cleaning up the signage and did not need the additional advertising.

Vice Mayor Arthur felt the program would be better suited for a large metropolitan area with higher traffic volume. He also voiced concern about a private company using public property for private gains. He felt there was enough clutter throughout the City and he did not support the program.

Councilor Wiley asked if there was a way to control what type of companies could advertise on the containers. Mr. Mensi replied if the City was against a certain type of company advertisement it would be put into the contract.

Councilor Wiley asked if there was a City nearby that had the program in place. Mr. Mensi stated the closest area that used the program was Clay County.

Councilor Wiley was concerned about having to revisit the Sign Ordinance again if this program was approved.

City Manager Jarboe stated there may an issue of bidding out the program to other companies, due the amount of money involved.

Mayor Pruette stated the City may have to be careful because other companies may also propose to use public property for private gain.

Councilor Wiley suggested the City gather more information on the program and consider that amendments would have to be made to the Sign Ordinance. He would like to keep the issue on the table.

Mayor Pruette asked what Media Holdings would be gaining from the program. Mr. Mensi replied the company would make approximately \$2,500 per month, through advertising.

City Manager Jarboe advised the public right-of-way along Third Street and Atlantic Boulevard was very limited.

Consensus: **TO LOOK AT THE AREAS THAT ARE USING THE PROGRAM AND MOVE TO A FUTURE WORKSHOP AND CONSIDER THE CHANGES THAT WOULD HAVE TO BE MADE TO THE SIGN ORDINANCE.**

Annual City
Approved Events

ANNUAL CITY APPROVED EVENTS / VICE MAYOR ARTHUR: Vice Mayor Arthur stated there were two events held in the City last year that Council had to approve at the last minute, one being Pete's Thanksgiving. The other was the Lighting of the Town Center Christmas Tree. In the future he would like for staff to contact the event holder 60 days in advance to find out if they planned on having the event that year, make sure they had approval, insurance, etc. and to see if the City needed to provide anything such as barricades or security.

Mayor Pruette added the Halloween event held by 200 First Street has grown in the past few years and there could have been a safety issue this past year. City Manager Jarboe stated he has already spoken with Chief Sembach regarding the Halloween Parade event. He added that the City was not prepared for the number of children that attended.

Councilor's Jolly, Tucker and Wiley also agreed staff should reach out in advance to event holders to gather information relating to the event.

Mayor Pruette stated it would be good for the City to stay on top of events going on within the City. She asked which department would be responsible for making the initial contact. City Manager Jarboe stated he would add that responsibility to his department. He mentioned that staff has been reduced over the years to avoid raising taxes and Council may want to consider hiring additional staff next year.

PUBLIC COMMENTS / NONE

COUNCIL COMMENTS

City Attorney Krechowski advised last fall the City of Jacksonville asked us to go to mediation regarding tipping fees and submit to them a settlement proposal. We submitted a settlement proposal on October 9, 2014. The City of Jacksonville has not responded to our proposal. All of his efforts to contact the Office of the General Counsel have gone unanswered completely. He has spoken with Mayor Pruette and written a letter on her behalf directed to Mayor Alvin Brown to withdraw our settlement proposal based on their lack of communication and recognition. He will proceed accordingly if there are no objections from Council.

Consensus: **MOVE FORWARD WITH THE LETTER TO MAYOR ALVIN BROWN WITHDRAWING OUR PROPOSED SETTLEMENT FOR TIPPING FEES.**

Mayor Pruette stated she received a comment today complementing one of our police officers. She explained an elderly lady had some children playing in her front yard when a police officer pulled up, got out of his vehicle to speak with the children and gave them each a police sticker. She felt our police department was a shining star for the City and would like to see more of this type of community policing so the community would be more familiar with our police officers. She added that she enjoyed attending the swearing in of the new officers' last week. Chief Sembach responded most of the elder police officers' have retired. It is part of the younger generation's culture to inspire

children. They also visit every school in the City, including private schools, everyday to make the children aware that Police Officers' are out there to help them.

Mayor Pruette thanked Vice Mayor Arthur for doing a great job chairing the January 20, 2015, Council meeting during her absence.

Adjournment

There being no further business, the meeting adjourned at 7:36 p.m.



Harriet Pruette, Mayor

Attest:



Karla Strait, CMC, City Clerk

Approved:

2.2.15