



MINUTES
SPECIAL CITY COUNCIL MEETING
WEDNESDAY, MAY 29, 2019, AT 9:00 A.M.
CITY HALL, 116 FIRST STREET
NEPTUNE BEACH, FLORIDA

Pursuant to proper notice a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Wednesday, May 29, 2019, at 9:00 a.m., in the Council Chambers, City Hall, 116 First Street, Neptune Beach, Florida.

Attendance	IN ATTENDANCE: Mayor Elaine Brown Vice Mayor Fred Jones Councilor Kerry Chin Councilor Josh Messinger Councilor Scott Wiley	STAFF: City Manager Andrew Hyatt Finance Director Peter Kajokas Public Works Director Leon Smith Deputy City Manager Megan George City Clerk Catherine Ponson
Call to Order	Mayor Brown called the special meeting to order at 9:00 a.m. and led the Pledge of Allegiance.	
Public Comment	Mary Frosio, 1830 Nightfall Drive, Neptune Beach, spoke regarding the revision of the Comprehensive Plan and Land Development Code revision. She also spoke regarding the appointment of a new City Attorney. She stated that the benefits of an outside firm outweigh the benefits of an in-house attorney.	
Discussion and Consideration of City Attorney Position	<u>Discussion and Consideration of City Attorney Position.</u> Mayor Brown explained that the Council Members had received the applications and looked at the qualifications. Attorneys who submitted their applications were Chelsea Anderson, the Ansbacher Law Firm, Timothy Franklin, Kevin Gailfoil, Denise May, Thomas Normandeau, Mary Staffopoulos, and the Vose Law Firm.	
Discussion	Councilor Wiley stated that he had met with Ms. Anderson, Ms. May, Mr. Roth of the Ansbacher Firm, Mr. Normandeau, Ms. Staffopolous and Mr. Franklin. He was impressed with the resumé received. He added that with the circumstances as they are, he supports an in-house attorney. He was impressed with Ms. May during her interview and she has represented the City's Community Development Board, the Cities of Jacksonville Beach Fernandina Beach and St. Augustine Beach. She has represented the City through the City's risk management insurance. She has knowledge of local government, land use and comprehensive plans. Vice Mayor Jones stated he had met with Ms. Anderson, Ms. May, and Mr. Roth of the Ansbacher Firm. He remarked that there are benefits to an in-house attorney; however, he is leaning toward a firm. He added that Terrell Arline, with the Ansbacher Law Firm, is	

knowledgeable in growth management and planning regulation in the State of Florida. He commended Ms. May for her help, however, he feels strongly that having the flexibility of firm with various resources would be a benefit to the City.

Mayor Brown reminded the Council that the City Attorney would work at the will of the City Council and the Council would be writing the contract.

Councilor Messinger stated that he had met with most of the applicants, in person or on the phone, and he is leaning toward a firm, specifically the Ansbacher Firm. He added that there is a wealth of resources that come with it. There is a strong community connection and the resumés stood out. It gives more flexibility and the contract can be reviewed and negotiated. He added that Ms. May is a talented and strong candidate; however, where the City currently stands, he supports using a firm.

Councilor Chin stated he spoke with a number of the candidates and added there are pros and cons for using a firm or an in-house attorney. He remarked that he had concerns about the accessibility of a firm. He remarked that both the Ansbacher Firm and Denise May were both impressive. He also added that if the Ansbacher Firm was chosen, he had questions regarding the fees and hours.

Mayor Brown advised she met with staff and interviewed most of the applicants. She stated that the City had never needed someone more with the qualifications of Denise May. She has worked with the Cities of St. Augustine, Jacksonville Beach, and Neptune Beach. She added that the most important thing is that Ms. May knows the City's Code. She has the ability to step in right now and help to run the City. She has just completed the exam for Board Certification in City, County, and Local Government. Mayor Brown added that the Ansbacher Firm is impressive. She stated that having a qualified in-house attorney who could help the City move forward is very important. Mayor Brown added that the contract would be looked at by another attorney. She encouraged the Council to consider Ms. May.

City Manager Hyatt reported he had spoken with the City Manager of Atlantic Beach who has an outside firm, had received extra bills from that firm. He also added that there is more than a Comprehensive Plan update as an issue for the City. A City Attorney is asked to review various documents from day to day.

Councilor Wiley stated that there is an opportunity for the City to have someone come in with the experience that Ms. May has to help with the City Manager hiring process. She is ready to go and work with the Police Department, the Community Development Board and the employees at this time and moving forward.

Councilor Messinger expressed that he is still in support of a firm. He has spoken with Ms. May who is with a firm and she has also consulted other attorneys. He stated that Mr. Ansbacher and Mr. Roth are talented attorneys. He added that Mr. Roth of the Ansbacher Firm lives in Neptune Beach and is vested in the community. He stated that the Ansbacher Firm stated they would negotiate their fee if selected and would have that discussion.

Councilor Chin agreed with Councilor Messinger. He added that he has worked as a consultant and as a team. He said there is something to be said for working as a team. He added that a firm gives you more than one attorney.

Mayor Brown added that everyone had made valid points and had the City's best interest in mind. She expressed that Ms. May could hit the ground running and has consulted with the City before and is local. The other two sister cities are moving towards an in-house attorney. Ms. May is aware of the litigation the City is involved in and has the best qualifications in municipal government for the salary.

Vice Mayor Jones stated that a decision should not be made based on the fact that there is a short-term gap.

Mayor Brown stated what the City needs is long-term and this is a great opportunity to have someone with great qualifications be a part of that.

Councilor Wiley added that he has always had the best interest of Neptune Beach in mind. He stated that he would hope that any attorney would seek advice or help in any matter from other attorneys.

Made by Wiley, seconded by Brown.

MOTION: **TO HIRE DENISE MAY AS FULL-TIME CITY ATTORNEY WITH THE CONTRACT TO BE WRITTEN AND APPROVED BY CITY COUNCIL**

Roll Call Vote:

Ayes: 2–Wiley, Brown
Noes: 3–Chin, Messinger, Jones

MOTION FAILED

Made by Jones, seconded by Messinger.

MOTION: **TO HIRE THE ANSBACHER LAW FIRM AS CITY ATTORNEY WITH THE CONTRACT TO BE WRITTEN AND APPROVED BY CITY COUNCIL**

Roll Call Vote

Ayes: 3–Chin, Messinger, Jones
Noes: 2–Wiley, Brown

MOTION PASSED

City Manager
Hiring Process

Discussion of City Manager Hiring Process. Mayor Brown explained some great applications had been received and reviewed. She requested that the Council narrow down their choices to the top five or six. The Police Department would be doing background checks.

City Manager Hyatt requested that the City Clerk be involved as he is leaving.

Vice Mayor Jones stated that he was not overly excited at what has come before him. He does not want to make a decision based on what has been presented so far.

Mayor Brown reported that there are some good candidates, and she would like to explore deeper to see who they are. She is willing to take more time to make sure we get the right fit. She advised seeing what is presented after Council submits their choices.

Councilor Messinger stated that he agreed with Vice Mayor Jones. He added that strictly being qualified may not yield the best fit. He suggested the potential of exploring a search firm or the group of retired city managers who help cities recruit.

Mr. Hyatt advised that an introductory document had been sent to most of the applicants that profiled more than the resumé and cover letter. Those will be returned and distributed to Council.

June Calendar

Discussion of June Calendar. Mayor Brown suggested moving forward with the June 3, 2019, Regular meeting. She proposed suspending the June 17, 2019, workshop.

Councilor Wiley advised that with all of the issues at hand, the Council should continue with the meetings as scheduled.

It was decided that the Council meetings would move forward as scheduled.

Adjournment

There being no further business, the special meeting adjourned at 10:23 a.m.


Elaine Brown, Mayor

ATTEST:


Catherine Ponson, City Clerk

Approved: 7/1/19



